

# **Southern Planning Committee**

## **Agenda**

---

<b>Date:</b>	<b>Wednesday, 8th July, 2015</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ</b>

---

**Members of the public are requested to check the Council's website the week the Southern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

### **PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT**

**1. Apologies for Absence**

To receive apologies for absence.

**2. Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

**3. Minutes of Previous Meeting (Pages 1 - 24)**

To approve the minutes of the meeting held on 10 June 2015.

Please contact Julie Zientek on 01270 686466

E-Mail: [julie.zientek@cheshireeast.gov.uk](mailto:julie.zientek@cheshireeast.gov.uk) with any apologies or requests for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **15/0379N North View, Nantwich Road, Calverley CW6 9JN: Outline application for residential development for up to 5 houses for Mrs A Waterhouse** (Pages 25 - 40)

To consider the above planning application.

6. **14/1447N Land at Main Road, Worleston, Crewe CW5 6DN: THIS ITEM HAS BEEN WITHDRAWN FROM THE AGENDA** (Pages 41 - 52)

7. **15/1422N Land off Holmshaw Lane, Haslington, Crewe CW1 5TN: Erection of 5 dwellings, associated garaging, car parking and landscaping for Mr and Mrs M Wheeler** (Pages 53 - 66)

To consider the above planning application.

8. **15/0586N Land off University Way, Crewe: An outline planning application for the erection of up to 106 dwellings, landscaping and associated works. All matters are reserved except access on to University Way. The application is not seeking approval of details for the internal highway / cycle / pedestrian network for Hawkstone Properties (Crewe Green) LLP** (Pages 67 - 92)

To consider the above planning application.

9. **15/0587N Land off University Way, Crewe: An outline planning application for the provision of shared recreational space, children's play space, landscaping and associated works for Hawkstone Properties (Crewe Green) LLP** (Pages 93 - 110)

To consider the above planning application.

10. **15/1210N Open Grass Land, Crewe Road, Shavington CW2 5AH: Outline Planning for development of 68 houses including new vehicular entrance, boundaries, infrastructure and landscaping, with primary access from the Crewe Road shown and other matters reserved. (Pages 111 - 134)**

To consider the above planning application.

11. **14/2586N Shavington Lodge, Weston Lane, Shavington-cum-Gresty, Crewe CW2 5AT: Outline application, all matters reserved, for the development of 12 affordable residential dwellings on land off Weston Lane for Phillip Thompson (Pages 135 - 150)**

To consider the above planning application.

12. **14/5548C Land off Dunnocksfold Road, Alsager: Erection of up to 88 dwellings and formation of access point for P E Jones (Contractors) Ltd (Pages 151 - 164)**

To consider the above planning application.

13. **15/1123C Somerford Park Farm, Holmes Chapel Road, Somerford, Congleton CW12 4SW: Retrospective application for retention of a new stable building with ancillary grooms accommodation (resubmission 14/4518C): for Simon King (Pages 165 - 174)**

To consider the above planning application.

14. **14/5925C Former Test Track Site, Former Foden Factory Site, Moss Lane, Sandbach: Replan and substitution of housetypes on plots 41-47, 82 and 100-102 of extant planning permission 12/0009C for Sean McBride, Persimmon Homes (North West) (Pages 175 - 182)**

To consider the above planning application.

15. **15/1248C Land adjacent to 96 Macclesfield Road, Holmes Chapel CW4 8AL: Construction of 2 new dwellings for Marion Porter (Pages 183 - 196)**

To consider the above planning application.

16. **15/1745N Land East of Butt Green House, Wybunbury: Outline planning permission for erection of 2 detached dwellings for Messrs Whittingham, Jones and Munroe. (Pages 197 - 208)**

To consider the above planning application.

17. **15/1766C Crossmere Farm, Davenport Lane, Brereton Heath CW12 4SU: Variation of condition number 10 on application 25981/3 - Existing land and buildings to be used as a livery yard and stud for Ms C Collins (Pages 209 - 214)**

To consider the above planning application.

18. **15/2353C Arclid Grange, Hemmingshaw Lane, Arclid CW11 4SZ: Construction of 2 new residential dwellings for the Trustees of Derek Beresford Family** (Pages 215 - 228)

To consider the above planning application.

19. **14/5029C 2 Mount Pleasant Road, Scholar Green ST7 3LQ: Erection of detached two bed dwelling for Neil Hammond** (Pages 229 - 234)

To consider the above planning application.

20. **Millpool Way/Manor Avenue, Sandbach Ref 13/2186C** (Pages 235 - 238)

To consider a proposed alteration to the Committee resolution for this application which was determined by this Committee on 11 December 2013.

21. **Cheshire East Borough Council (Goostrey - Land to the North of Main Road) Tree Preservation Order 2015** (Pages 239 - 244)

To consider the above Tree Preservation Order.

22. **Cheshire East Borough Council (Sandbach - Manor Road No.3) Tree Preservation Order 2015** (Pages 245 - 250)

To consider the above Tree Preservation Order.

**THERE ARE NO PART 2 ITEMS**

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 10th June, 2015 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

**PRESENT**

Councillor G Merry (Chairman)  
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, J Clowes, W S Davies,  
S Edgar, P Groves, S Hogben, A Kolker, D Marren, J Rhodes, B Roberts and  
B Walmsley

**NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors J Hammond and A Moran

**OFFICERS PRESENT**

Tim Driver (Lawyer)  
Daniel Evans (Principal Planning Officer)  
Emma Hood (Arboricultural Officer)  
Peter Hooley (Planning and Enforcement Manager)  
Chris Hudson (Principal Forestry and Arboricultural Officer)  
Neil Jones (Principal Development Officer - Highways)  
Paul Reeves (Flood Risk Manager)  
Julie Zientek (Democratic Services Officer)

**Apologies**

There were no apologies for absence.

**1 DECLARATIONS OF INTEREST/PRE-DETERMINATION**

The following declarations were made in the interests of openness:

All Members of the Committee declared that they had received correspondence regarding application numbers 14/5662N, 15/0876N, 14/5472N and agenda item 28 (Cheshire East Borough Council (Wybunbury - Main Road/Pinfold Corner) Tree Preservation Order 2015).

With regard to application number 14/0143N, Councillor P Butterill declared that she was a member of Nantwich Town Council and Nantwich Civic Society, but that she had kept an open mind.

With regard to application number 15/1871M, all Members of the Committee declared that they knew the applicant's wife, who was a serving Councillor.

Councillor S Edgar declared that he had received correspondence regarding application numbers 15/0876N and 14/5472N, which were in his Ward.

With regard to application numbers 14/5586C, 14/5639C, 15/2080C and agenda item 26 (Elworth Wire Mills, Station Road, Sandbach CW11 3JQ Ref 14/5254C), Councillor G Merry declared that she was a member of Sandbach Town Council but that she was not a member of its planning committee and had not discussed these applications. Councillor Merry also declared that application number 14/5639C and agenda item 26 were in her Ward, but that she had kept an open mind.

## **2 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 22 April 2015 be approved as a correct record and signed by the Chairman.

## **3 TERMS OF REFERENCE**

RESOLVED – That the Committee's Terms of Reference be noted.

## **4 14/0143N FORMER BOWLING GREEN, WATERLODE, NANTWICH: ERECTION OF 7 DWELLINGS WITH INTEGRAL GARAGES AND ASSOCIATED CAR PARKING FOR BLACK & WHITE CHESHIRE LTD**

Note: Councillor A Moran (Neighbouring Ward Councillor) and Mr R Holmes (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reason:

The proposed development by reason of its height, massing, form and detailed design fails to take the opportunities to improve the character and appearance of the area. The proposed development would be contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the NPPF.

- (b) That, should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement: The provision of Commuted Sum Payment of £62550 to comply with RT.1. The contribution to be paid prior to the commencement of development.

**5 14/4946C ALSAGER BOWLING & RECREATION CLUB, FIELDS ROAD, ALSAGER, STOKE-ON-TRENT, ST7 2NA: PROPOSED CONSTRUCTION OF 2NO DETACHED DWELLINGS INCLUDING ADDITIONAL PARKING FACILITIES AND NEW ACCESS FROM LEA WAY FOR ALSAGER BOWLING & RECREATION CLUB CO LTD**

Note: Mrs S Helliwell had not registered her intention to address the Committee on behalf of Alsager Town Council. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mrs Helliwell to speak.

Note: Mrs M Riley (objector) and Mr P Bentley (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to a S106 Agreement to secure re-investment in the bowling club

and the following conditions:

1. Time limit
2. Materials
3. Plans
4. Removal of PD rights.
5. Piling
6. Landscaping
7. Landscape implementation
8. Breeding Birds
9. Contaminated Land

- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**6 14/5662N LAND ADJACENT TO WOODLANDS VIEW, 20, BRIDGE STREET, WYBUNBURY CW5 7NE: ERECTION OF 2 NO. DWELLINGS, VEHICULAR ACCESS, ASSOCIATED CAR PARKING AND LANDSCAPING FOR SIMON CLUTTON HOMES LTD**

Note: Mr R Spruce attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1. Commencement
  - 2. Approved plans
  - 3. Materials in accordance with the details submitted with the application
  - 4. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
  - 5. Submission of drainage scheme to include the disposal of foul and surface water
  - 6. Development to proceed in accordance with the submitted protected species report. If development commences after 31<sup>st</sup> April 2015, updated surveys and mitigation measures must be submitted.
  - 7. A Contaminated Land Site Completion Report, detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to and approved in writing prior to the first use or occupation of any of the dwellings.
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**7 15/0971N LAND TO THE REAR OF 11 EASTERN ROAD, WILLASTON, CW5 7HT: RESERVED MATTERS FOR ERECTION OF 40 TWO STOREY DWELLINGS, PARKING, LANDSCAPING AND ASSOCIATED WORKS (RE-SUBMISSION OF 13/4462N) FOR DILWYN LLOYD, ANWYL HOMES**

Note: Mr J Narsai-Latham attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:
  - 1. In accordance with outline planning permission
  - 2. Development in accordance with approved plans



3. Prior submission of a tree retention plan
4. Prior submission of a Method Statement/Construction Specification (turning head and footpath adjacent to Plot 15)
5. Landscaping (details)
6. Landscaping (Implementation)
7. Obscure glazing (Plot 1 – First-floor rear, Plot 4 – First-floor western side elevation, Plot 22 – First-floor southern side elevation, Plot 27 – First-floor southern side elevation, Plot 30 – First-floor southern side elevation, Plot 39 – First-floor southern side elevation)
8. Prior submission of bin storage details
9. Prior submission of a travel plan
10. Prior submission of a risk assessment and method statement (RAMS)
11. The prior submission of acoustic fence details
12. The prior submission of scaffolding details
13. The prior submission of a method and risk assessment for any vibro-impact works on the site
14. The prior submission of ground levels, earthworks and excavations.
15. Prior submission of a foul drainage plan

Informative:

The developer is requested to consider an alternative layout to plots 28 and 29 to include a private driveway/parking area between the dwellings and the railway line.

- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee

**8 15/1203N THE HORSESHOE INN, NEWCASTLE ROAD, BLAKELOW, WILLASTON CW5 7EP: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE FOR 4NO. DWELLINGS FOR BELUGA HOMES LTD AND FREDERICK ROBINSON**

The Committee considered a report regarding the above planning application and a written update.

The Principal Planning Officer reported a correction to the report, in which the second sentence of the paragraph entitled 'Residential Amenity' should be amended to read: 'The rear gardens and amenity space would meet the minimum 50m<sup>2</sup> as required within the SPD, accommodating all of the basic amenities required.'

**RESOLVED**

- (a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Standard time 3 years
2. Plans
3. Materials
4. Landscaping scheme including native hedgerow species and replacement tree planting
5. Implementation of Landscaping Scheme
6. Breeding birds
7. Submission / Approval and Implementation of Piling Method Statement
8. Contaminated Land
9. Noise Mitigation Scheme
10. Management Scheme of the Paddock area to the rear of the site
11. Submission of revised Arboricultural Method Statement
12. Surface water disposal scheme
13. Surface water disposal scheme via sustainable drainage measures

- (c) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**9 15/0641N LOCOMOTIVE STORAGE LTD, CREWE DIESEL DEPOT, NANTWICH ROAD, CREWE CW2 6GT: NEW BUILD CARRIAGE SHED FOR LOCOMOTIVE STORAGE LTD**

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

The Committee considered a report regarding the above planning application.

The Planning and Enforcement Manager reported that the correct paperwork had been received and that there was no safeguarding direction in place.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Commencement
  2. Approved plans
  3. Materials to be as detailed in the application
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee,

provided that the changes do not exceed the substantive nature of the Committee's decision.

**10 15/0642N LOCOMOTIVE STORAGE LTD, CREWE DIESEL DEPOT, NANTWICH ROAD, CREWE CW2 6GT: NEW BUILD RAILWAY ENGINEERING WORKSHOP FOR LOCOMOTIVE STORAGE LTD**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1. Commencement
  - 2. Approved plans
  - 3. Materials to be as detailed in the application
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**11 15/0876N 447, NEWCASTLE ROAD, SHAVINGTON CW2 5JU: DEMOLITION OF 449 NEWCASTLE ROAD INCLUDING OUTBUILDINGS AND SHEDS AND CONSTRUCTION OF 28 RESIDENTIAL PROPERTIES WITH ASSOCIATED ACCESS INCLUDING THE WIDENING OF THE EXISTING DITCH WORKS ADJACENT TO THE SITES NORTHERN BOUNDARY FOR JOHNSON MULK, PROSPECT GB LTD**

Note: Councillor D Marren arrived during consideration of this item but did not take part in the debate or vote.

Note: Parish Councillor E Ankers (on behalf of Shavington-cum-Gresty Parish Council), Mr W Atteridge (objector) and Mr P Robinson (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

- (a) That, for the reasons set out in the report and the written update, authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice Chairman of Southern

Planning Committee, to APPROVE the application for the reasons set out in the report, subject to:

- further clarification of the education impact
- completion of a Section 106 Legal Agreement to secure the following:-
  1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. Contribution of £10,000 towards improvements to the play area at Wessex Close, Shavington
  3. A scheme of management of the watercourse
- the following conditions:-
  1. Standard Time – 3 years
  2. Approved Plans
  3. Details of existing and proposed land levels to be submitted for approval in writing
  4. Materials to be submitted for approval in writing
  5. Boundary Treatment Details to be submitted for approval in writing
  6. The development permitted by this planning permission shall only be carried out in accordance with the principles set out in the submitted Flood Risk Assessment (FRA)
  7. Development shall not begin until an assessment has been carried out into the potential for disposing of surface water by means of a sustainable drainage scheme
  8. No development shall commence on any phase until a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase has been submitted to and approved in writing by the Local Planning Authority.
  9. Prior to the commencement of any development, details of the foul drainage scheme shall be submitted to and approved in writing by the Local Planning Authority.
  10. 2.4m x 120m visibility splays in each direction.
  11. Construction Management Plan to include parking provision

12. Landscaping scheme to be submitted – including replacement hedgerow planting and the provision of fruit trees
  13. Landscaping to be completed
  14. Breeding Birds – Timing of works
  15. Breeding Birds – Nesting box provision
  16. Hedgehog mitigation measures
  17. All arboricultural works shall be carried out in accordance with the Arboricultural Impact Assessment and Method Statement
  18. Piling Method Statement
  19. Dust Control Measures
  20. Contaminated Land
  21. Obscure glazing – First Floor window to the side elevation of plot 22
  22. Remove Permitted Development Rights for additional windows to the side elevations of plots 5, 7, 19, 22 and 23
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. Contribution of £10,000 towards improvements to the play area at Wessex Close, Shavington

**12 14/5472N VINE INN, ROPE LANE, SHAVINGTON CW2 5DT: ERECTION OF CLASS A1 CONVENIENCE STORE INCLUDING ATM WITH DEDICATED EXTERNAL SERVICING, REFUSE AND PLANT AREA, ASSOCIATED CAR PARKING AND LANDSCAPING FOR NEW RIVER RETAIL PROPERTY UNIT TRUST**

Note: Parish Councillor E Ankers (on behalf of Shavington-cum-Gresty Parish Council) and Ms C Wright (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

(a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement to secure a contribution for a Traffic Regulation Order and the following conditions:

1. Commencement
2. Approved plans
3. Materials in accordance with the details submitted with the application
4. Parking provision to be in accordance with the approved layout plan and should be completed and available for use prior to the store opening
5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays and submission of a piling method statement
6. Submission of a method statement relating to floor floating
7. Submission of details of external lighting and CCTV equipment
8. Hours of opening restricted to between 7am and 11pm
9. Hours of deliveries restricted to between 8am and 9pm
10. Submission of details of equipment with the potential to generate noise (fans/refrigeration etc)
11. Submission of drainage scheme to include the disposal of foul and surface water
12. Implementation of the landscaping proposals submitted with the application
13. Tree protection measures
14. Pedestrian crossing to be provided

(b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

**13 15/0482N ROSE COTTAGE, 50 STOCK LANE, WYBUNBURY,  
CHESHIRE CW2 5ED: OUTLINE APPLICATION FOR 3 - 4 BEDROOM  
DETACHED DWELLING WITH ACCESS FROM EXISTING PRIVATE  
DRIVEWAY FOR MARK BEESTON**

Note: Councillor P Groves left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1. Commencement
  - 2. Submission of reserved matters (all matters other than access)
  - 3. Approved plans
  - 4. Submission and approval of a construction management plan including any piling operations and a construction compound within the site
  - 5. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.
  - 6. Reserved matters to include details of any external lighting.
  - 7. Submission of drainage scheme to include foul and surface water including sustainable drainage systems
  - 8. Tree and hedgerow protection measures
  - 9. Breeding bird survey for works in the nesting season
  - 10. The Reserved Matters shall be for a bungalow or dormer bungalow
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

**14 14/5586C LAND OFF THE HILL/ MANOR ROAD, SANDBACH HEATH, CHESHIRE: OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT COMPRISING 75 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, OPEN SPACE AND LANDSCAPING (RESUBMISSION OF LPA REF: 14/1946C) FOR BETLEY COURT ESTATE**

Note: The Planning and Enforcement Manager read a representation from Councillor S Corcoran (Ward Councillor), who had registered his intention to address the Committee but was unable to attend the meeting.

Note: Town Councillor J Cartlidge and Mrs J Redmond (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED**

(a) That the application be REFUSED for the following reasons:

1. The Local Planning Authority considers that having regard to the context of developments in the Sandbach area and the scale of the proposed development that it would be premature following the publication consultation draft of the Sandbach Neighbourhood plan. As such allowing this development would prejudice the outcome of the neighbourhood plan-making process and would be contrary to guidance contained at Paragraph 216 of the NPPF and guidance contained within the NPPG.
2. Whilst it is acknowledged that there is a presumption in favour of sustainable development in the planning balance, it is considered that the development is unsustainable because of the conflict with the draft Sandbach Neighbourhood plan and because of the unacceptable environmental and economic impact of the scheme in terms of loss of best and most versatile agricultural land and open countryside. These factors significantly and demonstrably outweigh the social benefits in terms of its contribution to boosting housing land supply, including the contribution to affordable housing. As such the proposal is contrary to Policies PS8 and H6 of the adopted Congleton Borough Local Plan First Review 2005 and Policies PG 5 and SE 2 of the Cheshire East Local Plan Strategy – Submission Version and the provisions of the NPPF.

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



(c) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:

1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of Public Open Space and a NEAP (8 pieces of equipment) to be maintained by a management company in perpetuity
3. Provision of contributions of £151,848.06 (for primary education) and £163,426.90 (for secondary school education).
4. Highways Contribution of £62,500
5. Bus stop improvement Contribution of £25,000

**15 14/5639C LAND BOUNDED BY MOSS LANE/STATION ROAD, SANDBACH: ERECTION OF 44 DETACHED AND SEMI-DETACHED DWELLINGS, CAR PARKING AND ASSOCIATED FOR BELLWAY HOMES & REVELAN GROUP PLC**

Note: Town Councillor J Cartlidge had registered his intention to address the Committee but did not speak.

Note: Mr J Narsai-Latham attended the meeting and addressed the Committee on behalf of the applicant.

The Committee considered a report regarding the above planning application.

**RESOLVED**

(a) That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Legal Agreement to secure the following:

1. A scheme for the provision of affordable housing – 4 units to be provided as social rent/affordable rent. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision

- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
2. Provision of a contribution of £65,000 towards off-site affordable housing provision
  3. A scheme of management for the on-site amenity green space and the landscape buffer along the northern boundary in perpetuity

and the following conditions:-

1. Standard Time
  2. Approved Plans
  3. Details of existing and proposed ground levels to be submitted to approved by the local planning authority
  4. Submission of materials for the development to be submitted to approved by the local planning authority
  5. Details of overland flow to be submitted to approved by the local planning authority
  6. Details of scheme for the disposal of surface water to be submitted to approved by the local planning authority
  7. SUDS provision to be submitted to approved by the local planning authority
  8. Contaminated land to be submitted to approved by the local planning authority
  9. Construction Management Plan to be submitted to approved by the local planning authority
  10. Piling Method Statement to be submitted to approved by the local planning authority
  11. Dust Control to be submitted to approved by the local planning authority
  12. Details of glazing and acoustic ventilation on a plot by plot basis to be submitted to approved by the local planning authority prior to the first occupation
  13. Implementation of the approved landscape plan
  14. Breeding Birds incorporation of nesting measures
  15. Boundary Treatment to be submitted to approved by the local planning authority
  16. Removal of Permitted Development Rights for extensions and outbuildings on plots 8, 22, 31, 36 and 38
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern

Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

- (c) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:
1. A scheme for the provision of affordable housing – 4 units to be provided as social rent/affordable rent. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. Provision of a contribution of £65,000 towards off-site affordable housing provision
  3. A scheme of management for the on-site amenity green space and the landscape buffer along the northern boundary in perpetuity

**16 15/2080C THE HOLLIES, 16 SMITHFIELD LANE, SANDBACH, CHESHIRE CW11 4JA: CONSTRUCTION OF DORMER BUNGALOW WITH INTEGRAL GARAGE (RE-SUBMISSION OF REFUSED APPLICATION 14/4769C) FOR ANDY MINES, SMITHFIELD COURT LTD**

Note: Prior to consideration of this application, the meeting was adjourned for refreshments.

Note: The Planning and Enforcement Manager read a representation from Councillor S Corcoran (Ward Councillor), who had registered his intention to address the Committee but was unable to attend the meeting.

Note: Mr C Eastwood (objector) and Mr A Mines (applicant) attended the meeting and addressed the Committee on this matter.

Note: Town Councillor J Cartlidge had registered his intention to address the Committee but did not speak.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED

(a) That, for the reasons set out in the report and the written update, the application be APPROVED subject to the following conditions:

1. Standard three year time limit
2. Approved plans
3. Materials as per application
4. Hours of piling
5. Prior submission of piling method statement
6. Prior submission of dust mitigation scheme
7. Tree mitigation – Implementation
8. Remove PD Rights – Extensions, Outbuildings and Garage Conversion

Informatives:

1. NPPF
2. Hours of construction
3. Contaminated Land

(b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**17 14/5108C THREE OAKS CARAVAN PARK, BOOTH LANE, MOSTON, SANDBACH CW10 0HE: PROPOSED EXTENSION TO EXISTING CARAVAN PARK TO FORM 24 ADDITIONAL PLOTS FOR MR THOMAS PRICE**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the satisfactory receipt of comments from Natural England and the following conditions:

1. Standard Time limit (3 Years)
2. Accordance with approved plans
3. Site limited to stationing of no more than 24 caravans
4. Prior to the commencement of development, detailed plans showing the visibility splays shall be submitted and provided prior to first occupation. Splays shall be kept clear.
5. Caravans restricted to use by Gypsy & Travellers only.
6. No development shall commence until details of drainage have been submitted and approved.
7. Existing boundary hedges and trees retained as part of a landscaping scheme, to be submitted and approved.

8. Implementation of approved landscaping scheme
  9. Submission of scheme to minimise dust emission
  10. Details of external lighting to be submitted
  11. Details of bin / refuse storage
  12. Amenity blocks provided prior to first occupation
- 18 **14/0775N COOLE ACRES, COOLE LANE, NEWHALL CW5 8AY: VARIATION OF CONDITION 18 (RETENTION OF DWELLING AND BUSINESS FOR FURTHER 3 YEARS) ON APPROVAL 09/0819N - CHANGE OF USE FROM AGRICULTURE TO FISH REARING AND ANGLING CENTRE AND FORMATION OF PONDS AND LAKES, ERECTION OF BUILDINGS (INCLUDING TEMPORARY DWELLING) AND PROVISION OF ACCESS AND PARKING FOR THE REILLY & SEIPP PARTNERSHIP**
- The Chairman reported that this application had been withdrawn from the agenda prior to the meeting.
- 19 **13/3508N SIR WILLIAM STANIER COMMUNITY SCHOOL, CORONATION STREET, CREWE, CHESHIRE CW1 4EB: RELOCATE EXISTING 2M METAL PALISADE BOUNDARY FENCE TOGETHER WITH INSTALLATION OF NEW PALISADE FENCE AND VEHICLE ACCESS GATES TO MATCH EXISTING TO NEW BOUNDARY LINE TO PLAYING FIELDS FOR MR R A JONES, CHESHIRE EAST COUNCIL**

Note: The Planning and Enforcement Manager read a representation from Councillor D Newton (Ward Councillor), who was unable to attend the meeting.

The Committee considered a report regarding the above planning application.

**RESOLVED**

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  1. Time limit
  2. Approved plans
  3. Materials as stated in the application
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

- 20 **15/1664C MUNICIPAL OFFICES, MARKET SQUARE, CONGLETON, CHESHIRE: DEMOLITION OF EXISTING MUNICIPAL BUILDING, DISCONNECTION OF SERVICES AND CLEARING OF SITE. EXISTING DRAINAGE TO BE RETAINED. INSTALLATION OF LOW LEVEL TIMBER DIAMOND KNEE RAIL FENCING TO BOUNDARY. SITE TO BE DRESSED WITH TOPSOIL AND SEEDED FOR ROBERT EDWARDS, CHESHIRE EAST COUNCIL**

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
  - 1. Standard time 3 years
  - 2. Plans
  - 3. Submission of a Highway Method Statement
  - 4. Submission of a Dust Suppression Statement
  - 5. Construction hours
  - 6. Boundary treatments
- (b) That, in order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority be delegated to the Head of Planning (Regulation), in consultation with the Chairman (or in her absence the Vice Chairman) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.
- (c) That, should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

- 21 **15/1871M LITTLE TREES, GAWSWORTH ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE SK11 9RA: PROPOSED ALTERATIONS AND EXTENSION OF BUNGALOW FOR DAVID SMETHAM**

Note: Councillor S Davies left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

- 1. Standard time – 3 years
- 2. Development in accordance with the approved plans

3. Materials as per the application

**22 14/5114C LAND AT CLOSE LANE, ALSAGER ST7 2TZ: RESERVED MATTERS APPLICATION FOR 74 DWELLINGS AND ASSOCIATED WORKS FOR OUTLINE APPLICATION (13/1305N) FOR BEN SUTTON, STEWART MILNE HOMES**

Note: Mrs S Helliwell (objector) and Mr S Daintith (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED – That authority be DELEGATED to the Head of Planning (Regulation), in consultation with the Chairman and Vice Chairman of Southern Planning Committee, and Councillor D Marren (Ward Member) to APPROVE the application for the reasons set out in the report, subject to the approval of an Open Space Management Plan and the following conditions:

1. Plans
2. Materials
3. Landscaping scheme submission
4. Landscaping scheme implementation
5. Submission of boundary treatments
6. Submission of Construction Method Statement for the driveway and garage foundations
7. Compliance condition in accordance with recommendations set out in AIA
8. Submission of Construction Management Plan
9. Provision of wheel wash
10. Provision of Footway Link prior to occupation
11. Submission of Management Plan for the SBI to include details regarding:-
  - Site Layout Plan showing SBI element of the POS
  - Details of how the SBI and POS would be treated
  - Details of how the SBI would be kept separate from the more formal areas of POS
12. Submission of Management Plan for the Local Wildlife Site and reptile mitigation buffer to include details regarding:-
  - The way in which the required reptile mitigation would be incorporated into the proposal
13. Submission of an annotated Site Layout Plan demonstrating how the requirements of condition 6 (safeguarding onsite water courses) of the outline permission 13/1305N have been complied with
14. Piling Operations
15. Submission of Environmental Management Plan
16. Construction Hours
17. Noise mitigation – glazing
18. Noise mitigation – Acoustic fencing
19. Submission of individual Travel Plans

20. Provision of single electric vehicle charging point
21. Submission of Dust Suppression Statement
22. Submission of Contaminated Land Report
23. Details of existing and proposed land levels
24. Flood Resilience Scheme
25. Surface Water Drainage Scheme
26. Sustainable Drainage Scheme
27. Scheme for the Management of Overland Flow
28. Cycle parking details for all plots which do not have a garage

**23 14/3962N LAND NORTH OF POOL LANE, WINTERLEY, CHESHIRE:  
OUTLINE PLANNING PERMISSION FOR THE CONSTRUCTION OF UP  
TO 79NO. DWELLINGS FOR FOOTPRINT LAND AND DEVELOPMENT**

Note: Councillor R Bailey left the meeting prior to consideration of this application.

Note: Councillor J Hammond (Ward Councillor) and Mr M Riley (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr C Jones had registered his intention to address the Committee on behalf of the applicant but did not speak.

The Committee considered a report regarding the above planning application and a written update.

**RESOLVED**

- (a) That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:
  1. The proposed residential development is unsustainable because it is located within the Open Countryside contrary to Policies NE.2 (Open Countryside), NE.12 (Agricultural Land Quality) and RES.5 (Housing in the Open Countryside) of the Crewe and Nantwich Replacement Local Plan, Policy PG5 of the emerging Cheshire East Local Plan Strategy – Submission Version and the principles of the National Planning Policy Framework, which seek to ensure development is directed to the right location and open countryside is protected from inappropriate development and maintained for future generations enjoyment and use. As such it creates harm to interests of acknowledged importance.
  2. The proposal would result in loss of the best and most versatile agricultural land the applicant has failed to demonstrate that there is a need for the development, which could not be accommodated elsewhere. The use of the best and most versatile agricultural land is unsustainable and contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local plan 2011 and the provisions of the National Planning Policy Framework.



3. This application when taken cumulatively with other approved developments within Winterley would exceed the spatial distribution for Winterley and would be contrary to Policies PG2 and PG6 of the Cheshire East Local Plan Strategy - Submission Version.
- (b) That, should the application be subject to an appeal, the following Heads of Terms be secured as part of any S106 Agreement:
  1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
    - The numbers, type, tenure and location on the site of the affordable housing provision
    - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
    - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
    - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
    - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
  2. Provision of Public Open Space and a LEAP (5 pieces of equipment) to be maintained by a private management company (this should include the management of the boundary hedgerows)
  3. Secondary School Education Contribution of £163,427
  4. Cycle Parking Contribution £5,000

**24 ELWORTH WIRE MILLS, STATION ROAD, SANDBACH, CHESHIRE  
CW11 3JQ REF 14/5254C**

The Committee considered a report regarding a proposed amendment to the committee resolution relating to planning application 14/5254C, which had been approved by the Southern Planning Committee on 2 April 2014.

RESOLVED – That, for the reasons set out in the report, the resolution be amended to read as follows:

That the application be APPROVED subject to completion of a S106 Agreement making provision for:

- Affordable Housing comprising 47 units on site (100%) for affordable rent
- £119,602.21 commuted sum towards education
- £22,626.06 commuted sum towards Public Open Space Children and Young Persons Provision (Elworth Park)
- £13,344.24 commuted sum towards Public Open Space Amenity Greenspace (Elworth Park)

And the following conditions

1. Standard time limit 3 years
2. Development to be carried out in accordance with approved / amended plans
3. Submission of contaminated land report
4. Submission / approval and implementation of environmental management plan
5. Hours of construction limited
6. Hours of piling limited
7. Accordance with submitted noise mitigation scheme
8. Submission / approval and implementation of scheme to minimise dust emissions
9. Drainage - Foul drainage should be connected to foul sewer
10. Construction of approved access
11. Ecological mitigation to be carried out in accordance with submitted statement
12. Phase II Contaminated land report to be submitted to and approved in writing by the LPA
13. Bird breeding survey
14. Incorporation of features for breeding birds
15. Materials to be submitted and approved
16. Landscaping scheme to be submitted including management details and boundary treatments
17. Landscaping implementation
18. Submission of plan showing refuse vehicle tracking
19. Submission of a suite of design and construction plans for access
20. Parking to be provided as per approved plan prior to first occupation
21. Removal of permitted development rights Classes A-E
22. Provision of cycle parking
23. Provision of bin storage

**25 CHESHIRE EAST BOROUGH COUNCIL (HACK GREEN - LAND OFF COOLE LANE/CHRISHAM AVENUE) TREE PRESERVATION ORDER 2015**

Note: Mr A Shaw (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above tree preservation order.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Hack Green - land off Coole Lane/Chrisham Avenue) Tree Preservation Order 2015 be Confirmed.

**26 CHESHIRE EAST BOROUGH COUNCIL (WYBUNBURY - MAIN ROAD/PINFOLD CORNER) TREE PRESERVATION ORDER 2015**

The Committee considered a report regarding the above tree preservation order.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Wybunbury - Main Road/Pinfold Corner) Tree Preservation Order 2015 be Confirmed.

The meeting commenced at 10.00 am and concluded at 6.47 pm

Councillor G Merry (Chairman)

This page is intentionally left blank

Application No: 15/0379N

Location: North View, NANTWICH ROAD, CALVELEY, CW6 9JN

Proposal: Outline application for residential development for up to 5 houses

Applicant: Mrs A Waterhouse

Expiry Date: 01-May-2015

### **SUMMARY**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development falls within one of a number of acceptable categories. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; housing, a financial contribution towards a local road improvement and a boost to the local economy. In addition the site is located in a relatively sustainable location. However, these benefits need to be balanced against the loss of the Open Countryside and the impact upon ecology.

It is considered that the number of dwellings sought could be constructed so they would not to heavily encroach into the countryside.

Subject to a number of conditions, no issues with regards to; landscape, trees, hedgerows, design, access, flooding and drainage or residential amenity would be created.

As such, it is considered that the proposal represents a sustainable form of development and as such, is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure a financial contribution of £11,100 towards managing local traffic and creating pedestrian safety measures**

## **PROPOSAL**

Outline planning permission is sought to erect up to 5 dwellings. Matters of Access are also sought for approval. Matters of; Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of erecting up to 5 dwellings and access only on this site.

## **SITE DESCRIPTION**

The site measures approximately 0.4 hectares in size and comprises of paddock, a stable block and hard standing. The site is of an irregular shape and is located entirely within the Open Countryside on the western side of the A51, Calveley, Cheshire.

The site is enclosed by open fields to the north and west, the A51 to the east, and residential development (including the applicant's property) to the south.

Further residential development is found on the opposite side of the A51 to the application site.

The site is relatively flat in nature.

## **RELEVANT HISTORY**

**P07/1679** - Relaxation of Condition 3 of Planning Permission P03/0440. Retrospective Permission for Sand Manège Permission for Track - – Approved 7<sup>th</sup> February 2008

**P03/0440** – Timber stable – Approved 6<sup>th</sup> June 2003

**P96/0184** – Stable block – Approved 28<sup>th</sup> May 1996

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

- 14 - Presumption in favour of sustainable development,
- 17 – Core planning principles
- 47-50 - Wide choice of quality homes
- 55 – Isolated new houses in the countryside
- 56-68 - Requiring good design

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

NE.2 - Open Countryside  
BE.1 – Amenity  
BE.2 - Design Standards  
BE.3 - Access and Parking  
BE.4 - Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 - Development on Potentially Contaminated Land  
RES.2 - Unallocated Housing Sites  
RES.3 - Housing Densities  
RES.5 - Housing in the Open Countryside  
NE.5 - Nature Conservation and Habitats  
NE.9 - Protected Species.

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 - Open Countryside,  
SC4 - Residential Mix  
SC5 - Affordable Homes  
SC6 - Rural Exceptions Housing for Local Needs  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 – Design  
SE2 - Efficient Use of Land  
SE3 - Biodiversity and Geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Development on Backland and Gardens SPD (2008)

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI)** – No objections, subject to a requirement for a £11,100 Section 106 contribution towards traffic management and pedestrian safety measures.

**Environmental Protection** – No objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior

submission of a dust mitigation scheme and a phase I contaminated land condition. Informatives regarding hours of construction and contaminated land are also sought.

**United Utilities** - No objections, subject to the prior submission of a foul and surface water drainage plan.

**Canal and River Trust** – ‘No comment’

**Alraham Parish Council** – Have concerns relating to the following points

- Design being in keeping
- Highway safety – Access onto busy A51
- Drainage
- Number of dwellings

It is also proposed that a financial contribution of £15,000 per dwelling be provided to help fund some part of the Alraham Village Green would help support the justification of the development in question.

**Calveley Parish Council** – No objections, but request that the Section 106 contribution attached to this application is used to help improve road funding and safety in the two Parishes.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

3 letters of support have been received.

## **APPRAISAL**

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability
- Planning balance

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a



“departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Open Countryside Policy**

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road

North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated.

This site is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth and it is considered that this site makes a limited contribution to the open countryside in this location.

### **Sustainability**

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, it is unlikely that future residents and travel movement will be minimised and due to its location, the use of sustainable transport modes maximised.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside.

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

Despite the advice provided at pre-application stage, the applicant has not provided this information as part of the planning application. Instead they have considered sustainability within their submitted Transport Statement which concludes;

- The site is 90 metres from Calveley where there is a post box and regular bus service.
- There are local employment opportunities within walking distance – JS Bailey Cheese Factory (500m) and Wardle Industrial Estate (1450m).
- JS Bailey have recently opened a convenience store (500m)
- Texaco filling station, shop and ATM down the road
- ‘Countrywide’ down the road – pet and animal supplies

- Calveley Primary School is approximately 1.7km as the crow flies
- There is a local bus service to local schools
- Calveley Chapel – 1.5km walk
- Tollemache Arms – 700m
- Alpraham and Calveley Reading Room – Community facility – 700m
- Playground and the pub and playing fields to the east

When this information is fed into the North West Sustainability Checklist, the accessibility of the site shows that following facilities meet the minimum standard:

- Post box (500m) – 90-150m
- Public House (1000m) – 700m
- Bus Stop (500m) – 60m
- Public Right of Way (500m) – 45m
- Bank or cash machine (1000m) – just over 1000m
- Convenience Store (500m) - just over 500m
- Local meeting place (1000m) – 700m

Where the facility fails test by 50% or less;

- Children's Play Space (500m) – 700m

However, the proposal fails to adhere to the following recommended standards;

- Primary School (1000m)
- Secondary School (1000m)
- Supermarket (1000m)
- Pharmacy (1000m)
- Medical Centre (1000m)
- Railway station (2000m where geographically possible)
- Post Office (500m)
- Amenity Open Space (500m) – 850m
- Outdoor Sports Facility (500m) – 850m
- Child Care Facility (nursery or crèche) (1000m)

As such, the site falls within the recommended distances of 7 of the facilities, is nearby to another, yet fails on 10 facilities. As such, the site adheres to just less than half of the facilities detailed. However, it should be noted that the No.84 bus service, within close proximity of the site is regular and serves larger nearby schools and towns.

Although the locational sustainability of the site is marginal, it is considered that it is close enough, (with footpath access) to enough facilities, in conjunction with its proximity to a regular and robust bus service to be considered as locationally sustainable.

Notwithstanding the above, the NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

### Environmental role

#### *Landscape Impact*

The site is situated in open countryside to the west of Nantwich Road (A51). There is agricultural land to the north, west and south west with a railway beyond and residential properties to the east. The site currently contains stables, with areas of hard standing and some grassland. There are a number of trees on the boundaries together with lengths of established hedgerow.

The submission is supported by a landscape and visual impact assessment which states that it is undertaken using methodology taken from the GLVIA (version 3) guidelines.

The report acknowledges that the site lies within open countryside as identified in the local plan. Views are expressed to the effect that the defined Settlement Boundary within the Local Plan does not reflect the true extent of development around the village of Calveley and that the extent of actual built land extends beyond the settlement boundary defined in the local plan. The report seeks to demonstrate how the proposed development would create an extension to existing linear development along Nantwich Road, and be viewed in the context of existing development adjacent to and opposite the site.

The report indicates that of 9 representative viewpoints assessed for impacts on visual receptors, three would have moderate impact although properties opposite the site would have moderate - substantial impact. To mitigate potential visual impacts, proposed landscaping works and management techniques are put forward and illustrated in a framework plan. The report suggests that such mitigation is considered likely to reduce impacts for most receptors restricting impacts to properties opposite and adjacent to the site,

The report concludes that post mitigation; the landscape effects of the proposed development would be slight for the wider landscape and the site itself. It indicates that once established, the development would be viewed in the context of the existing linear settlement along Nantwich Road and would not be uncharacteristic of the houses found along the road frontage of Calveley village.

The Council's Landscape Officer has reviewed that submission and advised that whilst the site is in the open countryside, it is relatively well contained and she accepts that road frontage development could be viewed as an extension of the linear development along Nantwich Road although the development set back in the site would not follow the linear pattern.

The Landscape Officer has advised that should the principal of development be accepted, it would be important to ensure that a reserved matters scheme respected and supplemented existing landscape features and that the character and design of buildings and the layout was sympathetic to the area.

As such, the impact upon the landscape is not considered to be significant in this location.

#### *Trees and Hedgerows*

An arboricultural survey report has been submitted with the application. The report covers 3 lengths of hedge and 7 trees, affording 4 of the trees grade B (moderate quality and value).

The Council's Tree Officer has advised that whilst the indicative layout appears to respect the retained trees, full tree constraints have not been shown on the layout plan and the proposal is for an outline application with only access included. As such, the full impacts could only be assessed with a final detailed layout which would need to be informed by BS 5837 which would be considered at reserved matters stage.

As such, there are no significant tree or hedgerow concerns at this stage.

#### *Ecology*

The application is supported by an Extended Phase 1 habitat survey.

The survey concluded that the site does not lie within or immediately adjacent any statutory or non-statutory designated sites of nature conservation interest.

Although there were no ponds on the site, there were 2 ponds within 250m from the application site. These were surveyed and it was concluded that they had either 'average' or 'poor' suitability for Great Crested Newt suitability and were subsequently dismissed. However, it is recommended that reasonable avoidance measures are undertaken during site clearance and construction.

In terms of birds, it was identified that the potential of the site for bird species was regarded to be relatively low. However, it is advised that nesting birds should be a consideration.

It is advised that the trees on site provide potential for the roosting of bats and as such, should be retained.

Other protected species were identified within the wider area, if not within the site, and as such, it is recommended that a further pre-commencement survey of these protected species be undertaken prior to commencement of development.

The report concludes that it is recommended that an overall Ecological Mitigation Strategy be produced prior to commencement of development.

In response to the above, the Council's Nature Conservation Officer has advised the following in relation to the below;

Habitats: The grassland habitats on site have been identified by the submitted report as being 'Improved'. The Council's Conservation Officer has advised that this habitat is of minimal nature conservation value.

Great Crested Newts: The Council's Nature Conservation Officer has advised that, based upon the quality of the ponds located in close proximity to the proposed development and the terrestrial habitat present on the application site, this protected species is unlikely to be present or affected by the proposed development.

Other Protected Species: No Other Protected Species activity was recorded onsite during the submitted survey however evidence of Other Protected Species was recorded in the broader locality. As the status of Other Protected Species on a site can change within a short timescale, the Council's Nature Conservation Officer has advised that if planning consent is granted a condition should be attached requiring an updated Other Protected Species survey to be submitted prior to the commencement of development.

Bats: A number of trees have been identified on site that have the potential to support roosting bats. No evidence of roosting bats was recorded during the initial survey submitted in support of this outline application; however two of these trees are proposed for remedial works by the submitted tree report and are shown as being removed on the submitted layout plan.

As the status of roosting bats on a site can change over time, the Council's Nature Conservation Officer has recommend that if outline planning consent is granted a condition should be attached requiring the submission of an updated bat survey in support of any future reserved matters application.

### *Design Standards*

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission with access only. Matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme.

This application shall consider whether the number of dwellings sought could be accommodated within the site in an acceptable layout of any configuration, not necessarily the indicative layout submitted.

The application seeks the erection of up to 5 residential units on this 0.4 hectare plot. The indicative layout suggests that this would be achieved via construction of a pair of semi-detached properties on the frontage and 3 larger, detached units to the rear.

The submitted indicative layout plan shows that the proposed semi-detached dwellings would be erected adjacent to each, fronting the A51.

The 3 detached properties would be positioned to the rear of the site and accessed via an existing agricultural access onto the A51. These properties would front onto this access road in the same direction as the proposed semi-detached units.

The prevailing layout out the area is that of linear development fronting the A51. However, there is built form which extends further to the rear on the application side of the road, almost as far to the rear as the 3 detached dwellings shown on the indicative layout.

As such, it is considered that built form as indicated on the indicative layout would respect the built layout of the village with regards to its projection into the countryside and as such would not be accepted should it be submitted as part of a reserved matters application.

With regards to form as advised, the applicant seeks a mixture of either semi-detached or detached units. This would respect the prevailing form of the village at this location.

In terms of scale, although this matter has not been sought for approval at this stage, it is advised within the Planning Statement that the dwellings would be 'two-storey's high'. Again, this would respect the local form and scale, subject to the detail which would be considered at reserved matters stage.

Other matters regarding scale, height and appearance will be considered at reserved matters stage.

It is considered that the proposed indicative design of the scheme is acceptable. As such, it is considered that the proposed design would adhere with Policy BE.2 of the Local Plan.

#### *Access*

This application seeks approval of the access arrangements for the proposed development.

It is proposed that the dwellings shall be accessed via an existing field gate which joins onto the A51.

A revised plan was submitted during the application process in order to address the concerns of the Council's Head of Strategic Infrastructure (HSI) regarding the access width and the provision of a footpath. This revised plan has been reviewed and considered satisfactory.

The HSI has also advised that there is a requirement for a £11,100 Section 106 contribution towards traffic management and pedestrian safety measures.

More specifically, the HSI has advised that a number of measures are required through Alpraham and Calveley to manage traffic and improve pedestrian safety.

Contributions towards these improvements have already been included as part of other developments nearby.

As such, subject to this financial contribution being obtained, the HSI has raised not objections on highway safety grounds.

### *Flood Risk and Drainage*

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

However, should the application be approved, it is recommended that a condition seeking the prior submission of a foul drainage scheme and a surface water drainage scheme be submitted to the LPA for prior approval.

United Utilities have also been consulted and advise that they have no objections subject to the prior submission of a foul and surface water drainage plan.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

### Economic Role

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in the area for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is not considered that the proposed development would be economically sustainable.

### Social Role

#### *Affordable Housing*

A social benefit from the scheme would be the provision of affordable housing.

The National Planning Policy Guidance has recently been updated changing the affordable housing requirements. These are;

- Contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floor space of no more than 1000sqm (gross internal area).
- In designated rural areas (which Cheshire East Council do not currently have), local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments. In addition, in a rural area where the lower 5-unit or less threshold is applied, affordable housing and tariff style contributions should be sought from developments of between 6 and 10-units in the form of cash payments which are commuted until after completion of units within the development. This applies to rural areas described under [section 157\(1\) of the Housing Act 1985](#), which includes National Parks and Areas of Outstanding Natural Beauty
- Affordable housing and tariff-style contributions should not be sought from any development consisting only of the construction of a residential annex or extension to an existing home.

As a result of this change, as the combined gross floor space of the development would not exceed 1000sqm, there would be no affordable housing requirement for a scheme of this size.

#### *Residential Amenity*



Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

The closest neighbouring properties to the application site include the applicant's property, North View, to the south of the site, and the properties on the opposite side of the A51 from the development, to the east.

According to the indicative layout plan, the closest elevation of the proposed dwellings to the side elevation of North View, would be positioned approximately 27 metres away. It is considered that these would be positioned far enough away not to create any issues with regards to privacy, light or visual intrusion.

The properties on the opposite side of the A51, according to the indicative layout plan, would be approximately 23.5 metres away from the closest of the proposed dwellings. Again, it is considered that this would be far enough away so not to create any significant amenity concerns.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have sufficient outdoor private amenity to perform normal tasks such as; hang out washing, sit outside etc.

Subject to this and the detail of the window and door positions and the use of obscure glazing where necessary, it is not considered that the future occupiers of the proposed dwellings would be detrimentally impacted by the proposed development.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; a restriction over the hours of piling, the prior submission of a piling method statement, the prior submission of a dust mitigation scheme and a phase II contaminated land condition. Informatives regarding hours of construction and contaminated land are also sought.

As such, subject to the above recommendations, it is considered that the proposed development would adhere with Policy BE.2 of the Local Plan.

### **Other matters**

The financial contributions sought by the Parish Council's are not considered to be necessary, fair and reasonable in relation to the development and as such, would not be CIL compliant.

### **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

Within such locations, there is a presumption against development, unless the development is considered to represent and 'infill' by filling and small gap in an otherwise built up frontage. It is not considered that this aspect of policy applies in this instance.

The proposed development therefore does not fall within any of the listed categories and as such, it constitutes a "departure" from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; housing, a financial contribution towards a local road improvement and a boost to the local economy. In addition the site is located in a relatively sustainable location. However, these benefits need to be balanced against the loss of the Open Countryside and the impact upon ecology.

It is considered that the number of dwellings sought could be constructed so they would not heavily encroach into the countryside.

Subject to a number of conditions, no issues with regards to; landscape, trees, hedgerows, design, access, flooding and drainage or residential amenity would be created.

As such, it is considered that the proposal represents a sustainable form of development and as such, is recommended for approval.

## **RECOMMENDATION**

**APPROVE subject to a S106 Agreement to secure;**

- 1. Financial contribution of £11,100 towards a number of traffic and pedestrian safety management measures through Alpraham and Calveley**

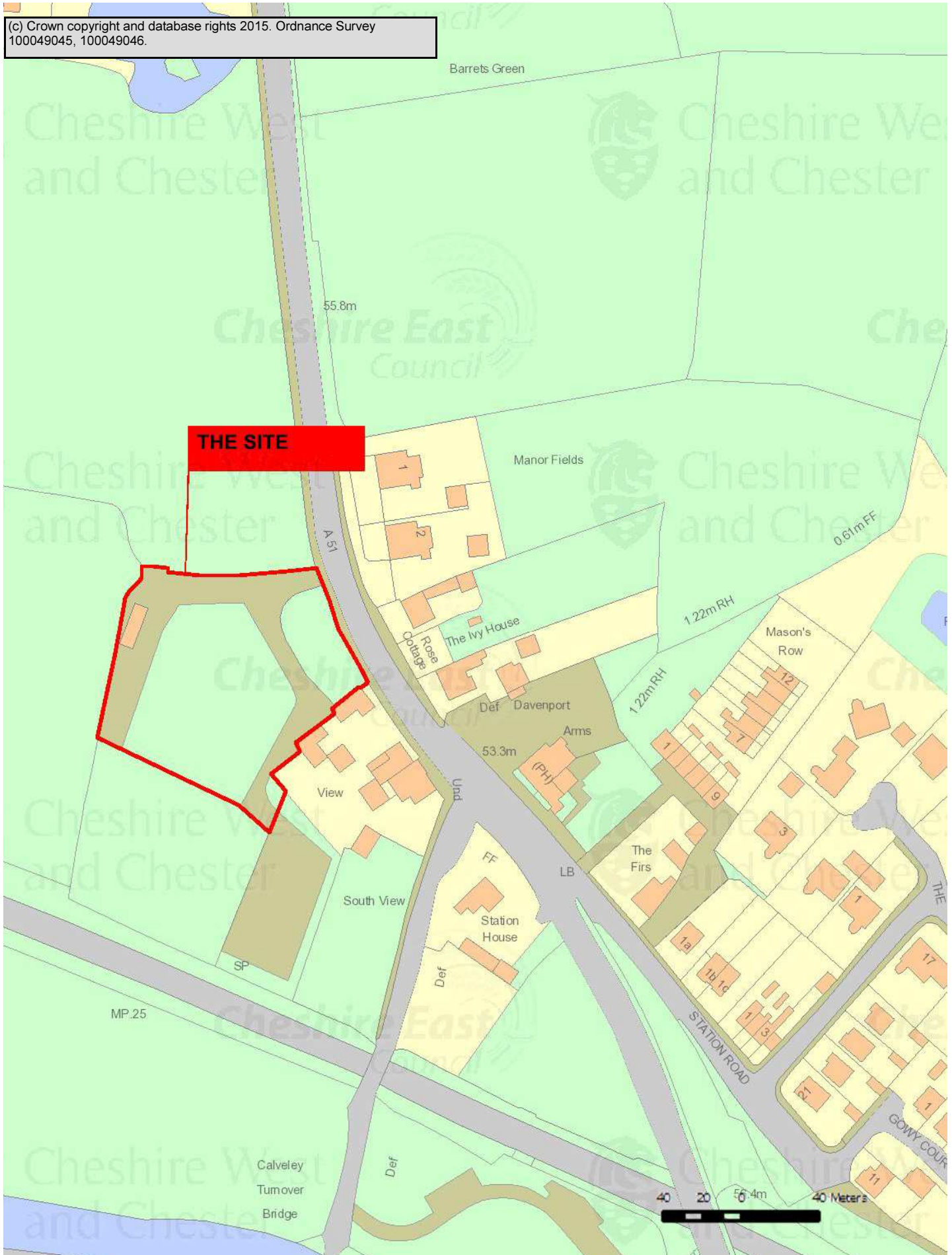
**And conditions;**

- 2. Time Limit (Outline) A06OP**
- 3. Submission of reserved matters A01OP**
- 4. Reserved Matters application made within 3 years A03OP**
- 5. Development in accordance with approved plans**
- 6. Prior submission of facing and roofing material details**
- 7. Prior submission of surfacing material details**
- 8. Prior submission of a foul drainage scheme**
- 9. Prior submission of a surface water drainage scheme**
- 10. Hours of Piling**
- 11. Prior submission of a piling method statement**
- 12. Prior submission of a dust mitigation scheme**

- 13. Prior submission of land contamination report (Phase I)**
- 14. Prior submission of boundary treatment details**
- 15. Prior submission of an updated Other Protected Species Survey**
- 16. Prior submission of an updated bat survey**

**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.



Application No: 15/1447N

Location: Land at Main Road, Worleston, Crewe, Cheshire, CW 56 DN

Proposal: Proposal of two detached dwellings shared a single point of access

Applicant: Peter Hollinshead

Expiry Date: 26-May-2015

**SUMMARY:**

It is acknowledged that the Council is unable to demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing close to an existing settlement where there is existing infrastructure and amenities.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of loss of open countryside, design, highway safety and loss of open space have been considered but do not outweigh the reasons for recommending approval of the application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, landscape and design.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the Framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

**CALL IN**

The application has been called in to Committee by Cllr Michael Jones on the grounds of loss of amenity, no proven need and unsupported.

**PROPOSAL**

This is an outline application for the erection of two dwellings, with all matters reserved apart from access. **Indicative** plans have been submitted with the application indicating that that the proposed development would consist of two detached, five bedroom dwellings two detached double garages.

Access would be taken centrally on the site from Main Road and the **indicative** layout shows a shared driveway with the dwellings to either side of it and the garages sited centrally opposite the access.

**SITE DESCRIPTION**

The application site lies within the open countryside and comprises a field 0.26 hectares in size. The site is on the eastern side of Main Road with the Royal Oak public house to the south and four cottages to the north.

**RELEVANT HISTORY**

14/0163N    2014    Approval for new vehicular field access

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

**Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.3 – Housing Densities

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

**Other Considerations:**

North West Sustainability Checklist  
The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

**CONSULTATIONS:**

**Highways:**

No objection.

**Environmental Protection:**

No comments received at the time of report writing.

**Parish Council:**

*"The proposed development is outside of the settlement boundary of Worleston village, which runs through the Royal Oak car park across Main Road. It is then therefore in "Open Countryside" Recent development of 5 houses to the south of the Royal Oak as stated as a supporting factor for this application are actually within the settlement boundary and therefore not directly comparable*

*The proposed development is not in the development plan adopted for the village, which will in turn will core to the proposed Neighbourhood Plan now under development*

*The access to this site, proposed by the applicant, was granted planning permission to Worleston and District PC 27/3/14 Ref. 14/0163N. It was granted with the following conditions:*

*a) That the access from Main Road onto the site was granted for a rural field for amenity and not for development*

*b) The splay was to constructed of a porous substrate to reduce run-off*

*In addition the applicant has moved the position of the entrance from that granted originally in the successful application from WDPC. In addition, the latter were successful based on the condition that access from the public house car park was to be closed and the land was to be used as a "village green"*

*There is a sewerage septic tank on the site for three village properties not adequately addressed in the application, to date as far as we are aware only one property has been contacted regarding this issue.*

*The public house and this adjoining land in question is subject to a Community Asset order granted to Worleston and District PC and registered by CEC*

*From the supporting statement the following applies:*

*There is no public telephone*

*There is no daily bus route or informal agreement to stop*

*As a parish council, we are focussed on developing a "heart" for the village which is highly linear village based on two roads separated by several hundred yards. This is a classic case of "development creep" into Open Countryside totally at odds with the aims and objectives of the village development plan."*

**REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.



At the time of report writing 15 representations have been received which can be viewed on the Council website. These included a highways assessment commissioned by local residents. The representations express several concerns including the following:

- There is no public telephone or bus route
- The approved access is for a village green not residential development
- The site is not in the parish plan
- The field is part of an asset of community value
- The site is in the open countryside
- Problems relating to an existing septic tank
- Concerns about the public house closing
- Inconsistencies on the plans
- Conflict with the local plan
- Two large houses would not enable young families to buy in the village
- Highway safety
- Loss of open space
- The dwellings would be out of character with the area
- Drainage issues

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Open Countryside Policy**

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The site is designated as Open Countryside in the adopted local plan and currently has the appearance of a paddock. As such its value in retaining the intrinsic character and beauty of the countryside is limited and its landscape value could not be argued to be so valuable that its loss could be considered significant. As such it is considered that a refusal on the grounds of adverse impact on open countryside could not be sustained.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don't mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer*

*and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The site is adjacent to Worleston which has a shop and public house and is between existing residential development and the Royal Oak public house. The site is adjacent to the settlement boundary and as such it is considered to be locationally sustainable and a refusal on these grounds could not be sustained.

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **ENVIRONMENTAL SUSTAINABILITY**

The site is designated as being within open countryside and therefore not the first priority for development. It is however adjacent to existing residential development and is within walking distance of facilities in Worleston.

### **Landscape**

The site is currently a relatively large paddock set between existing built development and while its loss would be unfortunate, it is not considered that there would be significant and severe harm to the overall character of the landscape of the area. As such a refusal on landscape impact could not be sustained.

### **Trees and Hedgerows**

There are no trees within or adjacent to the site that would be impacted by the proposed development.

Having regard to hedgerows, consent was granted in 2014 to remove a section of hedgerow to create an access to what was to be a village green. The access proposed for this application is in a different position but would still require the removal of a section of hedgerow, which is considered to be acceptable.

### **Ecology**

The removal of the section of hedgerow could have implications for breeding birds. As such a condition should be imposed to ensure their protection during the breeding season.

### **Design & Layout**

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The indicative layout shows a development that would not appear inappropriate in this context where there are a variety of property designs and sizes in the vicinity.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

### **Highways**

This is an outline application for two dwellings, all matters are reserved except for the access.

There have been previous planning approvals given for a field gate access to this site although the access position in this application is in a different location.

Adequate visibility can be achieved from the proposed shared access although some of the hedgerow will be required to be removed in order to provide the required visibility splays which are 2.0m x 60m in both directions.

The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

### **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Worleston, including additional trade for the local shop and public house, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

The site is within walking distance of Worleston, which has a shop and public house and would contribute to the supply of housing in the local area albeit in a limited manner.

### **Residential Amenity**

The proposal is for two detached dwellings on this site. It would be possible to achieve adequate separation distances between the existing and proposed dwellings, which would be demonstrated and secured at reserved matters stage.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Should the application be approved a condition should be imposed relating to piling operations.

### **Other Matters**

The Royal Oak public house is listed as an Asset of Community Value (ACV); however this application is only for the field adjacent to it and does not include the public house. As such the ACV would not be lost as part of this proposal.

Many of the objectors have raised the issue of drainage and the septic tank in the field which serves neighbouring properties. This would be a private matter and not a material planning consideration but any issues could be addressed at the reserved matters stage.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular loss of open countryside, design, highway safety and the loss of what was to have been a village green, have been assessed by Officers and found to be acceptable.

### **Conclusion – The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The development would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

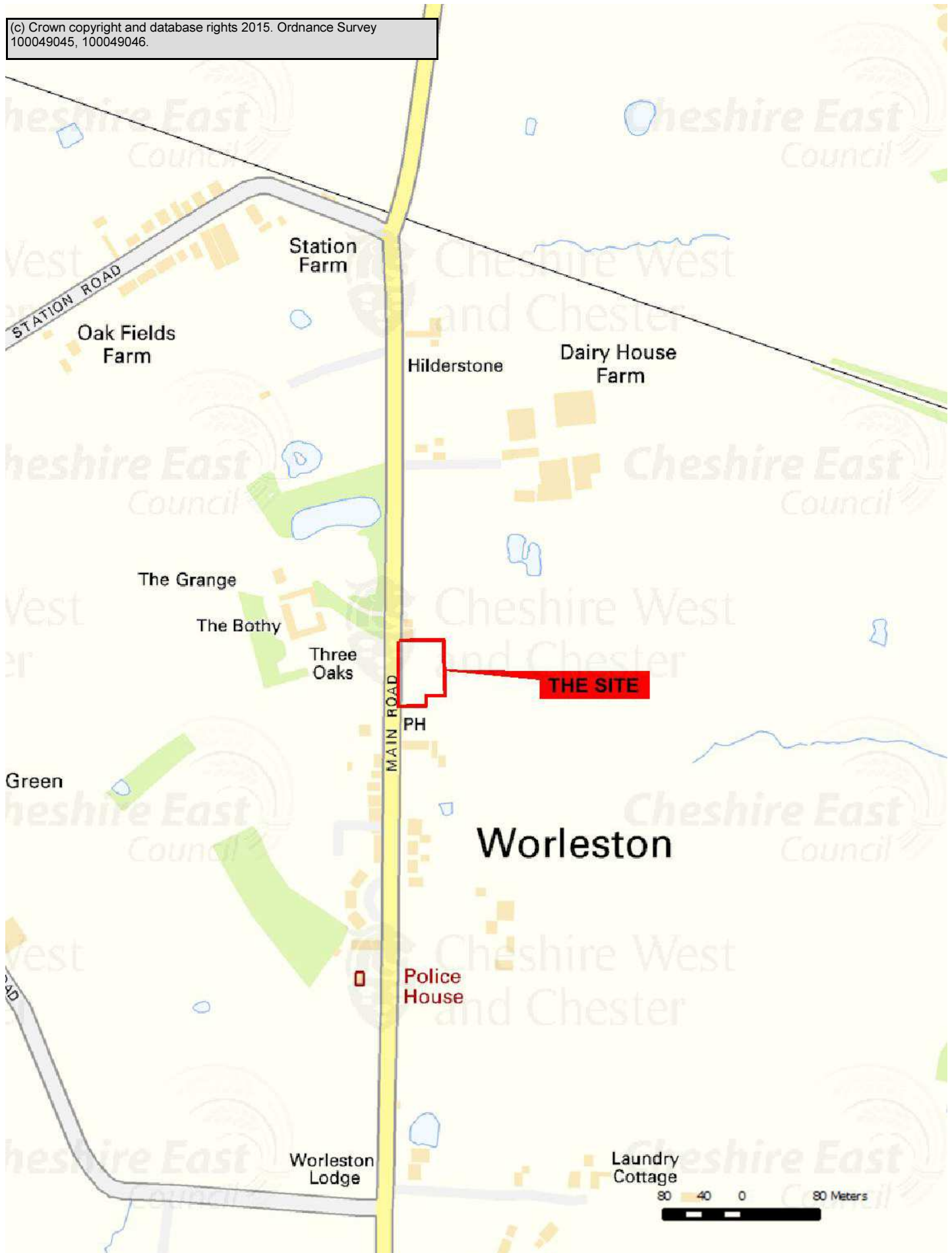
### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. The access to the site shall have visibility splays of 2.0m x 60m with no obstructions in excess of 0.6m in height**
- 5. Submission of tree and hedgerow protection measures**
- 6. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 7. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 8. Reserved matters to include details of any external lighting.**
- 9. Submission of drainage scheme to include foul and surface water**
- 10. Tree and hedgerow protection measures**
- 11. Breeding bird survey for works in the nesting season**
- 12. Submission of details of features suitable for use by breeding birds and roosting bats**
- 13. Submission of updated protected species survey**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.





Application No: 15/1422N

Location: LAND OFF, HOLMSHAW LANE, HASLINGTON, CREWE, CHESHIRE, CW1 5TN

Proposal: Erection of 5 Dwellings, Associated garaging, Car Parking and Landscaping

Applicant: Mr & Mrs M Wheeler

Expiry Date: 20-May-2015

#### **SUMMARY:**

It is acknowledged that the Council is unable to demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favourably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal would satisfy the economic and social sustainability roles by providing for much needed housing close to an existing settlement where there is existing infrastructure and amenities.

The boost to housing supply is an important benefit – and this application achieves this in the context of a deliverable, sustainable housing land release.

Local concerns of residents are noted, particularly in respect of loss of open countryside, design, highway safety, ecology and residential amenity have been considered but do not outweigh the reasons for recommending approval of the application.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity, ecology, drainage, landscape and design.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case, housing applications should be considered in the context of the presumption in favour of sustainable development.

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the Framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

**CALL IN**

The application has been called in to Committee by Cllr John Hammond on the following grounds:

*“The proposed development is in open countryside outside the settlement boundary. It would have an adverse impact on the character and amenity of adjoining land and property together with the surrounding area. It would also have a detrimental impact on highway safety in this narrow country lane with blind bends which serves several farms with associated machinery.*

*In this instance I would also strongly recommend that a site visit would be beneficial to Members of the Committee.”*

**PROPOSAL**

This is an outline application for the erection of five detached dwellings with all matters reserved apart from access. **Indicative** plans have been submitted with the application indicating that that the proposed development would consist of five detached, four bedroom dwellings three with integral garages and two with detached garages.

Access would be taken from Holmshaw Lane and the **indicative** layout shows a shared driveway of which the dwellings would be distributed.

**SITE DESCRIPTION**

The application site lies within the open countryside and comprises a triangular plot of land on the eastern side of Holmshaw Lane. To the north of the site are two dwellings and adjacent to the northern boundary, there is approval for one dwelling that was granted on appeal (14/0020N). There are also dwellings sited to the west and the east of the site.

**RELEVANT HISTORY**

No relevant planning history relating to this site.

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 14 and 47.

### **Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site as being within the within Open Countryside.

The relevant Saved Policies are: -

BE.1 – Amenity  
BE.2 – Design Standards  
BE.3 – Access and Parking  
BE.4 – Drainage, Utilities and Resources  
BE.5 – Infrastructure  
BE.6 – Development on Potentially Contaminated Land  
NE.2 – Open Countryside  
NE.5 – Nature Conservation and Habitats  
NE.9 – Protected Species  
NE.17 – Pollution Control  
NE.20 – Flood Prevention  
RES.3 – Housing Densities

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

SD 1 Sustainable Development in Cheshire East  
SD 2 Sustainable Development Principles  
SE 1 Design  
SE 2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE 4 The Landscape  
SE 5 Trees, Hedgerows and Woodland  
SE 9 Energy Efficient Development  
SE 12 Pollution, Land Contamination and Land Instability  
PG 1 Overall Development Strategy  
PG 2 Settlement Hierarchy  
PG5 Open Countryside  
EG1 Economic Prosperity

**Other Considerations:**

North West Sustainability Checklist

The EC Habitats Directive 1992

Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System

**CONSULTATIONS:**

**Highways:**

No objection.

**Environmental Protection:**

None received at the time of report writing.

**United Utilities:**

No objection subject to conditions relating to foul and surface water drainage.

**Parish Council:**

*"Haslington Parish Council object to the proposed development and have the following specific concerns:*

*The development would be in the open countryside and outside the settlement boundary for Haslington. It is not infilling a small gap in the developed frontage of Holmshaw Lane with one or two houses, and is not providing property essential for agricultural or other workers in the countryside. It is on a road without kerbs or pedestrian footpaths making it difficult for residents to walk into Haslington for services, it fails most sustainability checks, distance to a bus stop is the only one likely to be achieved. The proposed short section of pavement across the front of the site is likely to be abused by vehicles trying to pass in a section of road that is barely wide enough for single vehicles, pedestrian safety would be severely impacted by those vehicles.*

*Even if Holmshaw Lane was widened along the frontage of the site to allow vehicles to pass, the parish council would be concerned at any encouragement of additional traffic along this road given the further blind bends and narrow sections close to the development. Holmshaw Lane is popular with cyclists and walkers as it provides links to other routes on the local footpath network.*

*The construction of five houses will not make a significant impact on the shortfall in the five year supply for Cheshire East, but would significantly impact the character of the area, on a well used route into the local countryside for local residents. The character of the western end of Holmshaw Lane would become urbanised by allowing development on both sides of the lane.*

*Haslington Parish Council share the concerns of neighbours to the development site and the issues raised in the report from Axis commissioned by neighbours.*

*Haslington Parish Council request that the application be refused as contrary to policies NE2/RES5 Open Countryside, BE1 Amenity, BE3 Safe Access."*

## **REPRESENTATIONS:**

Neighbour notification letters were sent to neighbouring properties and a site notice posted.

At the time of report writing 14 representations have been received which can be viewed on the Council website. These included a highways assessment commissioned by local residents. The representations express several concerns including the following:

- Development out of keeping with the character of the area
- Highway safety
- Dangerous access
- Increase in traffic when combined with Haslington Hall
- Danger to horse riders, cyclists and pedestrians
- Loss of privacy
- Loss of amenity to neighbouring properties
- Impact on wildlife
- Loss of farmland
- Would exceed the spatial distribution of development for Haslington
- Could not be considered as infill development
- No more development is needed in Haslington
- Would not create jobs or prosperity
- It is a money making opportunity for the developer

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where Policies NE.2 and RES.5 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether this proposal represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Open Countryside Policy**

In the absence of a 5 year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy NE.2, seeks to protect the intrinsic character and beauty of the countryside.

The site is designated as Open Countryside in the adopted local plan and currently has the appearance of a paddock. As such its value in retaining the intrinsic character and beauty of the countryside is limited and its landscape value could not be argued to be so valuable that its loss could be considered significant. As such it is considered that a refusal on the grounds of adverse impact on open countryside could not be sustained.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The site is within walking distance of Haslington which has shops, public houses, a primary school and a regular bus service to the wider range of facilities and employment opportunities available in Crewe. In addition to this, three appeal decisions have determined that two sites in very close proximity to the site are sustainable locations (13/4301N, 14/5411N & 14/0020N). As such it is considered to be locationally sustainable and a refusal on these grounds could not be sustained.

There are, however, three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and

These roles should not be undertaken in isolation, because they are mutually dependent.

## **ENVIRONMENTAL SUSTAINABILITY**

The site is designated as being within open countryside and therefore not the first priority for development. It is however adjacent to existing residential development and is within walking distance of services and facilities in Haslington.

### **Landscape**

The site is currently close mown grassland with sections of boundary hedge, sapling trees and a mature Oak. The application describes the site as vacant rough grassland last used for grazing. Levels rise across the site with the higher levels to the east.

The site lies within Open Countryside as defined in the local plan and has no national landscape designation. The present eastern boundary to 236a Crewe Road provides a well defined boundary between that property and further agricultural land beyond. The proposed development would extend residential development beyond the existing residential development line on this side of the lane. The development would require the remove of a significant section of roadside hedge and potentially the mature Oak tree.

Whilst an outline application with only access included, the controlling parameters plan indicates that development is intended to be mainly two storey. A concept landscape layout plan is provided indicating proposed new landscape works including a replacement roadside hedge and strengthened boundaries.

The submission also includes a report entitled 'Landscape Appraisal' which indicates that it has been 'undertaken in order to assist in the development of a site layout scheme and a Landscape design strategy that will react to the prevailing conditions of potential visual impact that may be encountered by the development of this site'.

The Appraisal identifies a number of visual receptors, referring to these as 'Landscape receptors'. Impact of landscape change is described as significant for properties 236 and 236a Crewe Road. A major change to rural setting is identified for 4 further residential properties with two further properties having what is described as 'new visual elements' introduced into the landscape setting. As indicated above, landscape mitigation is proposed. With regard to the residual effect on landscape receptors upon establishment of mitigation, the assessment indicates that the purpose of landscape treatment is to create a varied height of softening against building masses, gables and roofscapes.

Development as proposed would clearly alter the appearance and character of the immediate site and impacts on a number of visual receptors have been identified within the submission as detailed above. Landscape works could be required as part of a detailed scheme which may provide a degree of mitigation although this would take time to mature and should deciduous plant material be used, it is likely development would be readily visible in winter.

Should the application be approved, landscape conditions should be imposed to ensure that hard and soft landscaping, proposed levels and contours and boundary treatments are acceptable.

### **Trees and Hedgerows**

The application is supported by a Tree Survey and Assessment and a Tree Protection Plan.

The only mature tree on the site is an Oak identified as T1 within the arboricultural documentation. The tree is located within the hedge on the Holmshaw Lane road frontage. The report identifies the tree as a category C specimen (low quality and value). The trees condition is in keeping with its age classification with no more deadwood present within the canopy than would be anticipated taking into consideration previous agricultural practices and its roadside location. Whilst it is considered that the tree should be up graded to a B category (moderate quality and value), its position immediately adjacent to the highway on a narrow bend and presenting a section of the stem extending into the highway precludes its long term retention and consideration for formal protection.



The remaining trees scattered throughout the site are small insignificant immature specimens. Some could be removed and replanted whilst other could be removed and easily replaced within a landscape scheme ensuring a net gain.

In order to facilitate access on to the site and provide the required visibility splay as requested by highways, a large section of the Holmshaw Lane hedge will require removal. A section of the same hedge will also form part of the southern most plot's domestic garden curtilage. No details have been provided in terms of an assessment of the hedge under the 1997 Hedgerow legislation to assess its importance.

Subject to the satisfactory submission of the requested Hedgerow Assessment, which will be the subject of an Update Report, there appears to be no reason why the application cannot proceed from an arboricultural perspective.

## **Ecology**

The grassland habitats on site support a number of species which are considered to indicative of 'restorable' semi-improved grassland under the Cheshire region local wildlife site selection criteria. The abundance of species indicative of agricultural improvement means that the grassland habitats are not considered to be of significant nature conservation value.

A disused protected species habitat has been recorded on the application site and protected species are active on the site. It is considered that the proposed development is unlikely to have a significant impact upon protected species, however there is likely to be some loss of foraging habitat. It is considered that this impact can be mitigated through the incorporation of fruit trees into the boundary landscaping of the site.

As the status of protected species on a site can change within a short time therefore if planning permission is granted a condition should be attached requiring an updated survey to be submitted to the LPA prior to the commencement of development.

Hedgerows are a priority habitat and hence a material consideration. The proposed access will result in the loss of a section of existing hedgerow to facilitate the site access. Additional hedgerows are proposed along the sites eastern boundary which would be adequate to compensate for the loss of habitat. It must however be ensured that this is done with appropriate native species. If planning permission is granted this matter may be dealt with through the attachment of a landscape condition.

If planning consent is granted a condition would be required to safeguard nesting birds and to ensure some additional provision is made for nesting birds and roosting bats as part of the proposed development.

## **Design & Layout**

This is an outline planning application therefore the layout drawing is only indicative. Should the application be approved, appearance and layout would be determined at reserved matters stage.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”

The indicative layout shows a development that would not appear inappropriate in this context where there are a variety of property designs in the vicinity.

The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

## **Highways**

The site extends to some 0.44 hectares in area and is located approximately one kilometre to the north-east of the centre of Haslington. Access to the site is taken from Holmshaw Lane via a Field Gate. The development proposals involve the development of five dwellings each with four bedrooms and associated off- street car parking. All dwellings will be served from an internal access road which will form a new simple priority junction with Holmshaw Lane.

The Head of Strategic Infrastructure (HSI) has not been made aware of any wider transport impacts in the area such as Air Quality Management impact for example, but recognises that the relevant officers would respond in detail on such items.

The proposals for access will involve hedge removal along the site frontage with Holmshaw Lane.

The HSI has reviewed the highways reports submitted by the applicant in support of the development proposals and the highways report submitted objecting to the proposals on behalf of a number of neighbouring households of and finds the following:

Holmshaw Lane connects Oakhanger to the south-east of the site with Crewe Road to the north-west; it is a lightly trafficked rural lane with a carriageway width of around 3.0m and a speed limit of 60mph. However, in the vicinity of the site, due to the carriageway width and horizontal alignment of Holmshaw Lane, vehicle speeds are restricted to around 20 – 25mph. There are no footways or street lights on Holmshaw Lane in the vicinity of the site.

Access from the site to the wider highway network would generally be expected to be taken via the Holmshaw Lane / Crewe Road priority junction, the HSI recognises that visibility along Crewe Road for traffic emerging from Holmshaw Lane is limited. However, the addition of traffic associated with five dwellings at the junction would not be expected to have a material impact on highway safety.

The site is considered to be in a sustainable location, a range of facilities are within reasonable walking distance, the town centre of Crewe is within reasonable cycling distance and there are bus stops on Crewe Road around 300m to the north of the site.

Access to the site is taken from a new priority controlled junction with Holmshaw Lane; the proposed junction layout is illustrated in the submitted drawings and comprises:

- A site access carriageway width of 5.0m;
- Corner radii of 4.0m;
- Visibility splays of 2.4m x 33m; and
- A 2.0m footway leading from the site access in a northerly direction along the extent of the site boundary.

In terms of junction geometry, layout and visibility the access proposals are considered to be an acceptable solution to serve a development of 5 dwellings in this location.

The commuter peak hour and daily traffic generation associated with the development of five dwellings would not be expected to have a material impact on the operation of the adjacent or wider highway network.

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application.

## **ECONOMIC SUSTAINABILITY**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

Given the countryside location of the site, consideration must also be given to one of the core principles of the Framework, which identifies that planning, should recognise:

‘the intrinsic character and beauty of the countryside and supporting thriving rural communities within it’.

Specifically, in relation to the rural economy the Framework identifies that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

‘support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings’

The economic benefits of the development need to be balanced against the impact upon the open countryside.

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Haslington, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **SOCIAL SUSTAINABILITY**

The site is within walking distance of Haslington, which offers a wide range of essential facilities and would contribute to the supply of housing in the local area albeit in a limited manner.

### **Residential Amenity**

The proposal is for five detached dwellings on this site. It would be possible to achieve adequate separation distances between the existing and proposed dwellings, which would be demonstrated and secured at reserved matters stage.

Adequate private residential amenity space could be provided within the domestic curtilage of the properties to provide recreational space and bin storage.

Should the application be approved a condition should be imposed relating to piling operations.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. In particular loss of open countryside, design, highway safety and residential amenity, have been assessed by Officers and found to be acceptable.

### **Conclusion – The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that significantly and demonstrably outweigh the benefits.

The development would have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

It is also necessary to consider the negative effects of this incursion into Open Countryside by built development. Nevertheless, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and that where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would be on a site that is considered to be a sustainable location, would provide additional housing for the Borough and would provide economic benefits in the form of employment and additional custom for businesses in the local area.

Balanced against these benefits must be the loss of land designated in the local plan as open countryside and the concerns of local residents.

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14, it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly it is recommended for approval.

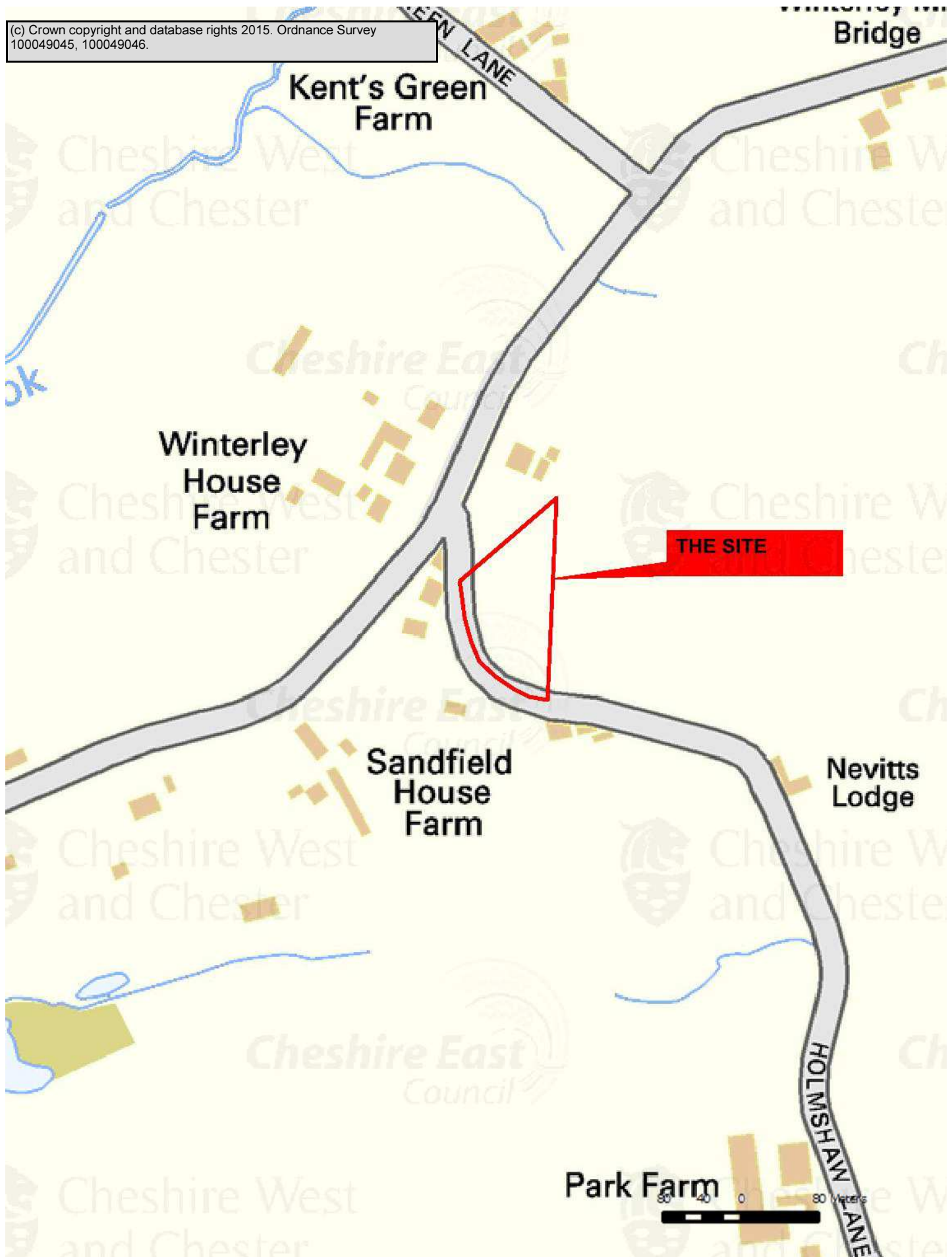
## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Submission of reserved matters (all matters other than access)**
- 3. Approved plans**
- 4. Submission of tree and hedgerow protection measures**
- 5. Submission and approval of a construction management plan including any piling operations and a construction compound within the site**
- 6. Restriction on hours of piling to 9am to 5.30pm Monday to Friday, 9am to 1pm Saturday and no working on Sundays or public holidays.**
- 7. Reserved matters to include details of any external lighting.**
- 8. Submission of drainage scheme to include foul and surface water**
- 9. Tree and hedgerow protection measures**
- 10. Breeding bird survey for works in the nesting season**
- 11. Submission of details of features suitable for use by breeding birds and roosting bats**
- 12. Submission of updated protected species survey prior to commencement of development**

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.



Application No: 15/0586N

Location: Land Off, UNIVERSITY WAY, CREWE

Proposal: An outline planning application for the erection of up to 106 dwellings, landscaping and associated works. All matters are reserved except access on to University Way. The application is not seeking approval of details for the internal highway / cycle / pedestrian network.

Applicant: Hawkstone Properties (Crewe Green) LLP

Expiry Date: 11-May-2015

## **SUMMARY**

The application site is allocated for employment purposes within the Local Plan and because the proposal seeks residential development, the proposal would be contrary to Policy E.1 of the Local Plan and be unacceptable in principle unless other material considerations indicate otherwise.

Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Policy EG3 from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that existing employment sites will be protected for employment use unless the site is no longer suitable or viable for employment use; and there is no potential for modernisation or alternate employment uses; and no other occupiers can be found.

The applicant has submitted a viability study in an attempt to address these policy considerations. However, the Council considers that the site does remain suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore also considered to be contrary to Policy EG3 from the emerging Local Plan Strategy – Submission Version and the NPPF in this regard.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing, applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide benefits such as; the provision of market housing, the provision of affordable housing, local economic benefits to nearby public facilities, an over provision of Public Open Space and education contributions.

Balanced against these benefits must be the dis-benefits which in this case, relate to the loss of this site for employment purposes.

On the basis of the above, it is considered that the economic dis-benefit resulting in the loss of this employment site outweighs the social and economic benefits of the residential development. Therefore, the proposal is considered to represent unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As such, the application is recommended for refusal.

**RECOMMENDATION**

**REFUSE**

## **PROPOSAL**

Outline planning permission is sought for the erection up to 106 dwellings. Matters of Access are also sought for approval. Matters of; Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of erecting up to 106 dwellings and access only on this site.

## **SITE DESCRIPTION**

The application site is 31.7 hectares in size and lies within the Crewe settlement boundary as defined on the adopted Crewe and Nantwich Replacement Local Plan 2011.

It forms part of a larger site, the second half of which is subject to an associated planning application for Public Open Space (Ref: 15/0587N).

The site is bound to the north by the site subject to the associated second application, by Englesea Brook to the east, industrial development to the south off Orion Way and University Way to the west.

The site comprises of a combination of an unused tarmac access road and unmanaged land and scrub. There is an existing hedgerow fronting onto University Way and mature trees and vegetation along its Englesea Brook boundary. Within the north east corner of the site is a further group of trees, situated on an existing mounded area.



The application site is located within Flood Zones 2 and 3 on the Environment Agency's indicative floodplain map.

There are a number of level changes within the site.

## **RELEVANT HISTORY**

**15/0587N** - An outline planning application for the provision of shared recreational open space, children's play space, landscaping and associated works – Under consideration

**13/2159N** - Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping – Approved 15<sup>th</sup> August 2015

**10/1146N** - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16<sup>th</sup> July 2010

**P07/0017** - Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 4<sup>th</sup> April 2007

**P06/0990** - Outline Application for Five B1 Office Buildings – Withdrawn 1<sup>st</sup> December 2006

**P04/0478** - New Access Road Off Crewe Green Link Road – Approved 25<sup>th</sup> May 2004

**P04/0226** - EIA Screening Opinion - Proposed Development of Land for Employment Uses – EIA not required 17<sup>th</sup> March 2004

**P00/0953** - Construction of Crewe Green Link Road (Northern Section) – Approved 4<sup>th</sup> January 2001

**P00/0620** - Request for screening opinion – EIA not required 2<sup>nd</sup> August 2000

**P98/0238** - Outline application for regional distribution depot and Crewe Green Link Road – Finally disposed of 17<sup>th</sup> April 2000

**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987

**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development

17 – Core planning principles

18-22 – Building a strong, competitive economy

29 – 41 Sustainable transport

47-50 - Wide choice of quality homes

56-68 - Requiring good design

109-125 - Conserving the Natural Environment

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

E.1 (Existing Employment Allocations)  
E.1.1 (Crewe Business Park / Crewe Green)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure)  
RES.2 (Unallocated Housing Sites)  
RES.3 (Housing Densities)  
RES.7 (Affordable Housing)  
TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.5 (Provision for Cyclists)  
TRAN.6 (Cycle Routes)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Play space in new housing developments)  
RT.9 (Footpaths and Bridleways).

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

The following local policies within the emerging Cheshire East Local Plan Strategy – Submission Version shall be a material consideration;

PG1 (Overall Development Strategy)  
PG2 (Settlement Hierarchy)  
PG6 (Spatial Distribution of Development)  
EG3 (Existing and Allocated Employment Sites)  
SC4 (Residential mix)  
SC5 (Affordable Homes)  
SD1 (Sustainable Development in Cheshire East)  
SD2 (Sustainable Development Principles)  
SE1 (Design)  
SE2 (Efficient Use of Land)  
SE3 (Biodiversity and Geodiversity)  
SE4 (The Landscape)  
SE5 (Trees, Hedgerows and Woodland)  
SE6 (Green Infrastructure)  
SE9 (Renewable Energy)  
IN1 (Infrastructure)  
IN2 (Developer Contributions)  
C01 (Sustainable Travel and Transport)  
C02 (Enabling Business Growth Through Transport Infrastructure).

## **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
Development on Backland and Gardens SPD (2008)

## **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI) (Cheshire East Council)** – No objections, subject to a condition seeking the provision of a Travel Plan pack for occupiers of each dwelling. In addition, 1 public transport voucher per new dwelling is sought to be provided on demand for each original householder to the value of £185. Also, a Travel Plan monitoring report should be submitted annually for 3 years (with the first report to be provided after occupation of the 40<sup>th</sup> dwelling). In association with this, the developer shall pay the total sum of £3,000 to the Council to monitor the reports (£1,000 for each report).

**Environmental Protection (Cheshire East Council)** – No objections, subject to a number of conditions including; a restriction of the hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, Acoustic screening on the properties adjacent to University Way, submission of an updated Acoustic assessment at reserved matters stage, the prior submission of a travel plan, the prior submission of Electric Vehicle charging points, the prior submission of a dust mitigation scheme and a contaminated land condition.

In addition, informatives relating to hours of construction and contaminated land are also sought.

**Housing (Cheshire East Council)** – No objections, subject to the provision of 30% affordable housing which, for a scheme of 106 dwellings, would equate to 32 dwellings. 65% social or affordable rent (up to 21 units) and 35% intermediate tenure (up to 11 units), the affordable housing should be provided on site.

**ANSA (Cheshire East Council)** – No objections to the applications combined, subject to the footpaths being tarmac and the provision of a NEAP.

**Flood Risk Manager (Cheshire East Council)** – No objections, subject to a number of conditions including; that the finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level; the prior submission of a surface water drainage scheme (including a scheme for the on-site storage and regulated discharge) and a condition seeking the prior submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase.

**Education (Cheshire East Council)** – No objections, subject to a financial contribution of £216,926 to account for the Primary School places need.

**United Utilities** – No objections, subject to a condition requiring the prior submission of a surface and foul water drainage plan and a number of informatives.

**Canal and River Trust** – 'No comment'

**Environment Agency** – No objections, subject to a number of conditions including; That the development shall be implemented in accordance with the details within the submitted Flood Risk Assessment (FRA) in terms that the finished floor levels of the proposed buildings shall be no lower than 49.83 m above Ordnance Datum (AOD); that details of a large undeveloped 'buffer zone' alongside Englesea Brook shall be submitted to the LPA for prior approval; the prior submission of a method statement for the removal or management of the 'Himalayan Balsam'.

**NHS England** - No comments received at time of report

**Crewe Town Council** – Object to the proposal on the following grounds;

- Proposal is contrary to Policy E1 of the Local Plan.
- A high level of employment growth is predicted by Cheshire East Council (65,000 jobs) for which a supply of high quality employment sites is required;
- A number of consents have been granted for residential development in the vicinity of Crewe and for them to be sustainable it will be necessary to provide additional employment; and
- The economic appraisal submitted does not consider the current demand for university related uses, referring only to a conversation in 2008, and limits its consideration of B1 uses to office development. It is therefore not considered that the case is made that the land is not required for the purposes for which it is currently allocated.

**Crewe Green Parish Council** – Object to the proposal on the following grounds;

- The Application site is a safeguarded commercial site with an extant Planning Approval for such a use within an established and developing business park.
- If Crewe is going to develop as a sub-regional centre and with the advent of HS2 as a new hub Station, it is imperative that employment land opportunities are retained. There remains plenty of brownfield sites within Crewe that can be developed for both affordable and market housing which should be considered before this site.

## REPRESENTATIONS

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. 1 neighbouring letter has been received. The main areas of concern raised relate to;

- Highway safety – Opportunity to create another access of the Crewe Business Park onto University Way to relieve congestion concerns.

## APPRAISAL

The key issues are:

- The principle of the development
- Housing Land Supply
- Sustainability – Including; the proposals economic, social and environmental roles
- CIL regulations
- Planning balance

## **Principle of development**

### **Local Plan**

Policy E.1 of the Borough of Crewe and Nantwich Local Plan refers to existing employment allocations. Policy E.1 advises that in addition to land held by businesses and other organisations for future expansion, a number of sites have been allocated for business and industrial uses. Amongst these sites is 'Crewe Business Park / Crewe Green'. The site in question falls within this allocation.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

As the proposed development seeks residential development and not development for the employment purposes detailed by Policy E.1.1, the proposal would be contrary to this Local Plan policy and would be unacceptable in principle unless other material considerations indicate otherwise.

### **NPPF**

Paragraph 17 of the NPPF states that planning should;

*'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that a country needs.'*

Paragraph 22 of the NPPF states that;

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for the different land uses to support sustainable local communities.'*

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

### **Emerging Local Plan**

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Cheshire East Local Plan Strategy – Submission Version (CELP), which is a material consideration, advises that;

*'Existing employment sites will be protected for employment use unless;*

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*

- a) *There is no potential for modernisation or alternate employment uses; and*
- b) *No other occupiers can be found.'*

As the site is currently vacant scrubland, point *i* (above) does not apply. However, point *ii* does apply.

In response, the applicant has produced a study in an attempt to address these issues. In summary, the report concludes that;

#### *Crewe Office market*

- The site has had the benefit of planning permission for office's (B1 use in accordance with Policy E.1) for almost 8 years
- In 2007 approval was granted for 5 large office buildings. For marketing purposes, this layout was revised for the construction of 7 detached units. The site has been up for sale or let with this planning permission since February 2008.  
In 2008, contact was made with Manchester Metropolitan University (Which Policy E.1 also permits development of this site for) who made clear that there was no requirement for any further facilities.
- The Crewe Business Park, after being established approximately 30 years – is still not full
- The demand for office accommodation in Crewe has been driven from either the Public Sector or the SME sector.  
The demand for office accommodation from the Public Sector has reached an 'unprecedented low' due to budget cuts.  
The public sector is adding surplus floor space to the market e.g. Midpoint 18 (Middlewich), Wellington House (Crewe) and Oak House (Crewe).  
SME demand for offices in Crewe tends to be 'small scale'
- The 2012 Cheshire East Employment Land Review advised that although Crewe is a good office location '*it is not envisaged that there will be any major increase in take up in years to come.*'
- Rental demand for office space has decreased further since the introduction of 'empty property rates' by the government.  
Have been falling rents and shorter lease terms affecting the viability on new office accommodation.
- Short-term demand is unlikely to improve.
- Healthy existing supply of office accommodation in the Crewe area – 170,000 square feet, 62,000 square feet on Crewe Business Park.
- Are also other sites on Crewe Business Park offering new office development - Pochin's and The Gateway site.
- Are also other sites within the area offering the same – Basford East and Basford West.
- Therefore there is a healthy supply of existing office accommodation and employment land which the application site needs to compete against.

#### *Commercial viability*

- Value of new office development in the past 6-7 years has fallen significantly.
- Value of completed development is significantly less than the cost of the land and the construction costs.
- Speculative development is high risk

- Design and build demand – low
- Dummy appraisal estimates that if the scheme was built out on a speculative basis, it would make a loss of over £3.7 million

#### *Marketing*

- Began in February 2008
- Since that time, a number of activities have taken place including; Erection of a marketing board; Brochure of the site; CGI images; Public Sector liaison; Advertisement on websites; Inclusion within Office directory; been subject to agent mailing.
- Above has failed to generate any *'...serious interest in the development of bespoke office buildings...'*

#### *Alternative employment uses*

- Consideration given to B2 or B8 uses on the site
- Due to the levels differences within the site and its irregular shape, it would be difficult to configure for the effective operation of manufacturing or distribution companies.
- Basford East and Basford West are more appealing given their superior road links and proximity to the M6.

In summary, and to address the policy requirements of the emerging Local Plan, the submitted statement concludes that the site is no longer suitable of viable for employment use, that there is no potential for alternative employment uses and that no other occupiers can be found.

In response, Council's Planning Policy Officer has been consulted on the proposal and they have provided the following comments;

*'Essentially, the Local Plan Strategy examination Inspector has indicated, via his interim views letter published last November, that the Council needs to be more ambitious in terms of jobs growth. The Council commissioned Ekosgen to look at what would be realistic job targets and they have indicated that it should be 0.7% instead of the 0.4% shown in the LPS. This means planning for an increase in jobs from around 13,900 to 31,400 over the Plan period. Crewe is our main employment centre and the Inspector has indicated that he is happy with our settlement hierarchy and general distribution in PG6 [Policy], albeit that he would like to see some more employment / housing development in the north. So to meet this significant up lift in job targets we will need good employment sites like this.'*

*The site is needed to provide for the emerging employment strategy in the Local Plan which looks to a 2030 horizon and, while setting the scene for HS2, it this does not take account of it. Hs2 will mean an even greater requirement for suitable employment land and we will take account of this in the next Local Plan once the current LPS is approved i.e. the policy direction is clearly to maintain a supply of good employment sites and this is in line with the NPPF idea of creating sustainable communities / need for sustainable development.'*

In addition to the above, the Council's Regeneration Team have commented on the proposal to advise;

- *'There is strong current demand for land and units with employment uses in Crewe both from existing expanding businesses and from inward investors. It is anticipated that demand will also be strong in the future.'*

- *This site is adjacent to a successful business park and in a prominent location which will be further enhanced and benefit from the completion of Crewe Green Link Rd South later in 2015.*
- *University Way accommodates a range of businesses and uses and Bentley Motors occupy a unit adjacent to the site of the Planning Application 15/0587N.*
- *A range of employment uses for the site, in addition to the B1 use allocation, should be considered for the site.*

*In specific relation to the Legat Owen report we would like to comment that –*

- *7.2 – It should be noted that the largest administrative centre for Cheshire East Council, in terms of number of employees, is Crewe where circa 1000 employees are based. This is larger than the number of employees based in the administrative centres in Sandbach and Macclesfield combined.*
- *7.3 – The Crewe office market has many commercial drivers including for example Assurant Solutions who are based at Crewe Business Park and currently employ over 1000 employees and are seeking to expand in Crewe. Mahle have also recently taken space at Crewe Business Park*
- *7.8 – Crewe is an excellent location for business. This view is reflected in more recent publications than the Employment Land Review. Notably 'All Change for Crewe : High Growth City'. The aspiration of All Change for Crewe includes the need to ensure development of accompanying short to medium term employment sites to compliment the strategic sites at Basford and Leighton in Crewe.*
- *Sir David Higgins report 'HS2 Plus' emphasized that 'An interchange at Crewe would be a real agent of change in the region'. A new regional transport hub at Crewe could bring structural change to the business offer in the area. Lord Paul Deighton, who is chairman of the HS2 Growth Taskforce, has also stated that Crewe is ideally placed to act as a hub station to connect HS2 into the surrounding regions.'*

## **Conclusion**

As a result of the above, it is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 from the emerging Local Plan Strategy – Submission Version, and the NPPF. Therefore, the principle of the proposed development would not be acceptable.

## **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.



Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

This is therefore a material consideration to be considered as part of the planning balance.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

### **Adherence with the recommendation**

Children's Play Space (500m) – To be provided on-site under application 15/0587N  
Amenity Open Space (500m) – To be provided on-site under application 15/0587N  
Leisure facilities (1000m) – 625m  
Public House (1000m) – 350m  
Bus Stop (500m) – 400m  
Railway station (2000m where geographically possible) – 1700m  
Any transport node (as above) – 1700m  
Bank or cash machine (1000m) – just over 400m  
Convenience Store (500m) - 400m  
Local meeting place (1000m) – less than 350m

Failure by 50% or less

Public Right of Way (500m) – 700m

Failure

Secondary School (1000m) – 3000m  
Supermarket (1000m) – 2500m  
Primary School (1000m) – 1575m  
Post box (500m) – 795m  
Pharmacy (1000m) – 1575m  
Medical Centre (1000m) – 1575m  
Post Office (500m) – 1500m  
Outdoor Sports Facility (500m) – 880m

Unknown

Child Care Facility (nursery or crèche) (1000m)

As such, the site falls within the recommended distances of or would provide the facilities on site for 10 of the public facilities considered out of the 19 considered.

As such, the site adheres to just more than half of the facilities detailed. Therefore, it is considered that the site can be considered to be locationally sustainable especially given the presence of a public footpath linking the site to many of the closet facilities and the strong road linkages to Crewe.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built

environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

### **Economic Role**

It is accepted that the construction of a housing proposal of this size would bring the usual economic benefit to the closest shops in Crewe and Haslington for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would also be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

Notwithstanding the above, the loss of a site allocate for employment purposes is a significant economic dis-benefit.

### **Social Role**

#### Affordable Housing

The Interim Planning Statement (IPS) for affordable housing states that the general minimum proportion of affordable housing for any site would normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment Update (SHMA). The IPS states that the tenure mix split the Council would expect is 65% rented affordable units (these can be provided as either social rented dwellings let at target rents or affordable rented dwellings let at no more than 80% of market rent) and 35% intermediate affordable units. The affordable housing tenure split that is required has been established as a result of the findings of the SHMA.

The 2013 SHMA Update shows that for the sub-area of Crewe there is a need for 217 new affordable homes per year, made up of a need for 50 x 1 beds, 149 x 3 beds, 37 x 4+ beds, 12 x 1 bed older persons units and 20 x 2 bed older persons units. (There is an oversupply of 2-bed general needs accommodation).

There are currently 1816 applicants on our housing register applying for social rented housing who have selected one of the sub-areas of Crewe as their first choice, these applicants require 607 x 1 beds, 734 x 2 beds, 371 x 3 beds and 54 x 4+ beds (50 applicants haven't specified how many bedrooms they need).

Therefore as there is affordable housing need in Crewe there is a requirement for affordable housing to be provided at this site, 30% of the total dwellings on site should be provided as affordable, this equates to up to 32 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (up to 21 units) and 35% intermediate tenure (up to 11 units), the affordable housing should be provided on site.

According to the Planning Statement submitted with the application, the applicant is offering 30% affordable housing at this site with a tenure split to be agreed at Reserved Matters. The Council's Housing Officer has advised that the tenure split highlighted above will be required.

This provision would offer a significant social benefit.

### Residential Amenity

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance. Furthermore, the level of private amenity space provided is a material consideration as detailed within the Supplementary Planning Document on Development on Backland and Gardens.

There are no neighbouring residential properties within close proximity of the application site, given that it is located in a commercial part of the town. As such, the principal amenity considerations are in relation to the future occupiers of the proposed dwellings themselves.

As the application is for outline permission with access only, the submitted layout of the arrangement of the dwellings is only indicative at this stage. However, the indicative layout plan does demonstrate that 106 dwellings could be accommodated within the site whilst largely adhering with the requisite separation standards detailed within the Backland SPD.

Furthermore, it is considered that sufficient private amenity space for this number of dwellings could also be accommodated.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to a number of conditions including; a restriction of the hours of piling, the prior submission of a piling method statement, the prior submission of a construction phase Environmental Management Plan, Acoustic screening on the properties adjacent to University Way, submission of an updated Acoustic assessment at reserved matters stage, the prior submission of a travel plan, the prior submission of Electric Vehicle charging points, the prior submission of a dust mitigation scheme and a contaminated land condition.

In addition, informatives relating to hours of construction and contaminated land are also sought.

As such, subject to the above recommendations, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan and not create any significant amenity concerns.

### Public Open Space (POS)

Policy RT.3 of the Local Plan details that new housing development comprising of 20 units shall seek the provision of 15 square metres of shared recreational open space per dwelling. Where family dwellings are proposed, an additional 20 metres of children's play space would be required per family dwelling as a minimum.

As such, based on 108 dwellings, there would be an overall requirement of 1,590 square metres of shared recreational open space and 2,120 square metres of shared children's play space.

The proposed development has been split over 2 planning applications. This application includes the housing, whereas the other application, ref: 15/0587N includes the POS.

The Council's Public Open Space Officer has advised that overall, on consideration of both applications combined, he is satisfied with the provision, subject to the footpaths being tarmacked and the provision of a NEAP.

As such, subject to the above and a legal agreement to ensure that both applications are linked, it is considered that the provision of POS provided under the associated planning application 15/0587N would be acceptable and offer a social benefit.

### Education

The Council's Education Officer has reviewed the proposal and advised that the service would expect a development of 106 dwellings to generate 20 primary aged pupils and 16 secondary.

It is advised that Primary schools within a 2 mile radius and secondary schools within a 3 mile radius have been considered for capacity and this research has identified a need for primary places but not for secondary. On this basis a sum of £216,926 is sought to provide these places (20 x £11,919 x 0.91) and offset the impact.

### Conclusion

Social benefits in the form of; the provision of affordable housing and Public Open Space provision shall be provided as part of the development. In addition, no significant neighbouring amenity concerns or education impacts would be created.

As such, notwithstanding the principle acceptability of the proposal, it is considered that the development would be socially sustainable.

### **Environmental role**

#### Landscape Impact

The Council's Landscape Officer has advised that the indicative proposals appear generally to respect existing landscape features and provide opportunities for enhancement.

It is advised that at Reserved Matters stage, it may be necessary to secure greater separation between development, SUDS provision and the watercourse in this vicinity.

Development to the south of the site would be dominated by the adjacent large employment building although existing immature planting will provide a level of screening as it matures. It is advised that full details of hard and soft landscape proposals would need to be addressed in a reserved matters application, together with levels.

As such, the impact upon the landscape is not considered to be significant.

#### Trees and Hedgerows

The application is supported by an arboricultural survey, impact assessment and draft tree protection plan which covers this site and an adjoining parcel to the north where an area of POS is proposed. The

Councils Tree Officer has advised that the submitted arboricultural information appears to follow the guidance contained within British Standard 5837:2012 Trees in relation to design, demolition and construction.

As the application proposal is an outline application with only access included, limited weight can be given to the submitted proposed indicative master plan, and the arboricultural impact assessment thereof. Nevertheless, the Council's Tree Officer states that the identified potential arboricultural impacts do not appear to present any insurmountable issues and in principle it should be possible to secure a suitable reserved matters layout plan.

At reserved matters stage, the Council's Tree Officer would seek to secure greater separation from a mature tree shown retained to the south east of the site which may have an impact on the number of dwellings sought.

It is recommended that at reserved matters stage, the application should be informed and supported by a comprehensive package of arboricultural data in accordance with BS 5837:2012.

### Ecology

The application is supported by an extended phase 1 habitat survey, a protected species report and mitigation survey, a tree bat survey.

#### *'Other' Protected Species*

A well established main 'protected species' sett is present on site. The Council's Nature Conservation Officer has advised that the application is supported by an acceptable impact assessment and outline mitigation method statement.

As the current application is outline only and the status of the 'protected species' on site may change prior to the commencement of works, the Council's Nature Conservation Officer recommends that if outline consent is granted, a condition must be attached requiring the submission of an updated 'protected species' survey, impact assessment and mitigation proposals in support of any future reserved matters application.

#### *Great Crested Newts (GCN)*

There is an historic record of a single GCN being found on this site over ten years ago. This animal is believed to have been associated with the ponds within Crewe Business Park. This population of GCN is known to have died out a number of years ago. The large balancing pond relatively recently constructed adjacent to the site has been assessed as having 'Below Average' potential to support GCN.

The Council's Nature Conservation Officer has advised that GCN are not reasonable likely to be present or affected by the proposed development and so no further action is required in respect of this species.

#### *Bats and trees*

Numerous trees occur on site which have the potential to support roosting bats and a roost was confirmed within one of these trees during surveys undertaken in 2014.

Based on the submitted illustrative master plan and tree report it appears that all the mature trees will be retained, the Council's Nature Conservation Officer therefore advises that the proposed development is therefore unlikely to have an adverse impact upon roosting bats.

#### *Safeguarding Englesea Brook*

Englesea Brook is located on the eastern boundary of the application site. In order to ensure that the brook is safeguarded during the construction process the Council's Nature Conservation Officer recommends that if outline consent is granted a condition should be attached requiring the submission of a method statement for the safeguarding of an undeveloped 8m buffer zone adjacent to the brook. It is also recommended that details of this buffer zone are submitted as part of any future reserved matters application.

#### Design Standards

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline planning permission with access only. Matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme.

This application shall consider whether the number of dwellings sought could be accommodated within the site in an acceptable layout of any configuration, not necessarily the indicative layout submitted.

The application seeks the erection of up to 106 residential units on this 3.17 hectare plot.

The indicative layout suggests that this would be achieved via construction of a mixture of detached, semi-detached and terraced units. It also appears that residential blocks are sought.

It is considered that the site is large enough to accommodate this number of dwellings. As such in principle, the design of the scheme is considered to be acceptable.

#### Access

This application seeks approval of the access arrangements for the proposed development.

Access to the site is currently taken from University Way via a Major / Minor Priority junction with a Ghost Island. This site access junction was implemented as part of the extant B1 Office planning consent.

The development proposals will utilise the existing priority ghost island access to the site, which has visibility splays of 2.4m x 120m in accordance with highway design standards for roads, such as University Way, with a speed limit of 40mph. All dwellings will be served from internal access roads.

The application is supported by a Transport Statement. This statement considers road safety, sustainability and highway Impacts which are considered below.

### Road Safety

Other than one incident, which is not as a result of the highway layout, the Head of Strategic Infrastructure (HSI) advises that University Way has a good road safety record.

### Sustainability - Walking

A number of public facilities are considered to be within walking distance of the site when compared to the distance thresholds set out in the Chartered Institution of Highways and Transportation (CIHT) document 'Guidelines for Providing for Journeys on Foot'.

Footway provision on University Way in the vicinity of the site is good; the footways are shared use footway/cycleways which run along the entire length of University Way between the Weston Road roundabout to the south of the site and the Crewe Green roundabout to the north of the site. Additionally, to assist both pedestrians and cyclist whilst negotiating the Crewe Green roundabout, Toucan crossings are provided on the approaches to the roundabout. The footway/cycleways running along University Way are separated from the edge of the carriageway by a grass verge to provide better separation between traffic and pedestrians; there is also a pedestrian crossing on University Way located immediately to the north of the site access, the crossing has dropped kerbs and tactile pavours, to assist wheel chair users and the visually impaired, and a pedestrian refuge in the centre of the carriageway to allow users to safely cross one lane of the carriageway at a time. The crossing provides access to the shared use footway/cycle link from University Way to Crewe Business Park, located around 80m to the north of the site access, providing sustainable access to a range of local employment opportunities. University Way also has street lighting.

### Cycling

Cycling is considered to provide a good alternative to the private car for journeys of up to 5km as a whole journey or as part of a longer journey. Nearly all of Crewe is within a 5km cycle distance of the site, providing sustainable access to a range facilities commonly associated with large towns such as retail and leisure use; and opportunities for local employment.

In terms of infrastructure, there are shared use footway/cycleways running along both sides of University Way and there is a shared use footway/cycleway link to Crewe Business Park located around 80m to the north of the site access. Furthermore, National Cycle Network Route 451 lies to the north of the site at Crewe Green roundabout, the route runs between Crewe, past Crewe Railway Station to Sandbach.

### Public Transport

The CIHT document, 'Guidelines for Planning for Public Transport in Developments', recommends a maximum walking distance of 400m to a bus stop.

There are two bus stops in the vicinity of the site that can be considered in relation to the above distance threshold. The bus stops are located to the west of the site on Electra Way, the west-bound



bus stop is located around 370m from the centre of the site and the east-bound bus stop is located just beyond the threshold at around and 470m from the centre of the site.

The bus stops provide access to the One1ink bus service operated by D&G Bus which provides a 15 minute week day and Saturday daytime service between Crewe Business Park and Bentley Motors via Industrial Estate (Fourth Avenue), Macon Way, Crewe Town Centre and Ashbank. However, according to the D&G Bus website, as of April 2015 the service is to be considerably scaled back. When considering the Crewe Business Park bus stops, there will be just four services between 0700 and 0900 hours, four services between 1700 and 1900 hours and just two services during the rest of the day.

Access to further services are available, beyond the preferred maximum walking distance, from bus stops located on Crewe Road around 780m to the north of the centre of the site. Three bus services are available numbers 3, 36 and 37. The services provide reasonably frequent access to a range of destinations including but not limited to Newcastle-under-Lyme, Stoke, Sandbach, Middlewich and Northwich.

The HSI therefore considers that there are options for travel by public transport but that access to bus stops may constrain usage.

### Rail

The IHT document, 'Planning for Public Transport in Developments', recommends a maximum walking distance of 800m to a major fixed public transport node.

The nearest railway station to the site is Crewe located on Nantwich Road approximately 1.7km to the west of the site. The station is more than twice the recommended maximum walking distance, it is, therefore, considered unlikely that there will be a large demand for journeys of this type. However, the HSI advises that it is within the 5km cycle catchment referred to earlier, thus, a multi-mode rail / cycling journey may attract some users.

The railway station provides frequent access to a number of local and regional destinations including Manchester, Birmingham and London.

The HSI concludes by advising that the site is not considered to be ideally located to encourage travel by train.

### Internal site layout

As the application is in outline the HSI has not commented in the site layout.

### Traffic Impact

The morning and evening peak hour traffic impact of the development proposals has been compared in the TS with that expected from the implementation of the extant planning consent for 18,500 sqm GFA of B1 Office development. The HSI has reviewed the analysis and finds it to be satisfactory.

The comparison demonstrates it is expected that:

- During the morning peak hour there will be 302 fewer arrivals to the site and just six additional departure i.e. 45 rather than 39; and
- During the evening peak hour there will be 232 fewer departures from the site and just 16 additional arrivals i.e. 43 rather than 27.

The HSI concludes that there are no grounds for refusal based on traffic impact, that the already implemented site access junction is an acceptable solution to serve a development of 106 dwellings and that the impact on the wider highway network, associated with the development proposals, will be much reduced when compared to that associated with the existing planning consent.

### Conclusions and Recommendation

The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to the following condition.

To encourage the use of alternative, sustainable modes of travel to the private car by future residents of the development, the developer will be required to provide the following for each original householder:

- A Travel Plan pack to include; details of the local cycle network and cycle equipment suppliers identifying those offering discounts, detailed information packs including timetable/routeing information for both Bus and Rail travel and links to relevant websites, and to promote sustainable transport choice to/from the site on the development website.

Furthermore it is advised that the developer/applicant enter into a S106 Agreement to provide:

- One public transport voucher per new dwelling to be provided on demand for each original householder to the value of £185; and
- To submit a Travel Plan monitoring report annually for three years with the first report to be provided after occupation of the 40<sup>th</sup> dwelling and to pay the total sum of £3,000 to the Council to monitor the reports (£1,000 for each report).

The acceptability of this request is considered in the CIL section of this report.

### Flood Risk and Drainage

#### *Flooding*

The application was supported by a Flood Risk Assessment.

The Environment Agency have reviewed this assessment and concluded that they have no objections to the proposed development, subject to a number of conditions including; That the development shall be implemented in accordance with the details within the submitted Flood Risk Assessment (FRA) in terms that the finished floor levels of the proposed buildings shall be no lower than 49.83 m above Ordnance Datum (AOD); that details of a large undeveloped 'buffer zone' alongside Englesea Brook shall be submitted to the LPA for prior approval; the prior submission of a method statement for the removal or management of the 'Himalayan Balsam'.

In addition to the above, the Council's Flood Risk Manager has reviewed the submission. The Flood Risk Manager has advised that he has no objections, subject to conditions including; that the finished floor levels of habitable dwellings shall be set 600 mm above the modelled 1 in 100 annual probability (plus a 30% allowance for climate change) flood level; the prior submission of a surface water drainage scheme (including a scheme for the on-site storage and regulated discharge) and a condition seeking the prior submission of a scheme for the management of overland flow from surcharging of the site's surface water drainage system during extreme rainfall events within that phase.

Following subsequent discussions with the Council's Flood Risk Manager, it has been agreed that their proposed condition regarding finished floor levels is effectively the same as the condition proposed by the Environment Agency. As such, they have agreed that the Environment Agency's condition wording will be sufficient.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy NE.20 of the Local Plan.

### *Drainage*

United Utilities have reviewed the application and advised that they have no objections, subject to a condition requiring the prior submission of a surface and foul water drainage plan and a number of informatives.

As such, subject to these conditions, it is considered that the proposed development would adhere with Policy BE.4 of the Local Plan.

### Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design, flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

### Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of on-site POS under application reference: 15/0587N needs to be linked to this application via a S016 Agreement to ensure the relevant provision. This is considered to be necessary, fair and reasonable in relation to the development.

The HSI has sought one public transport voucher per new dwelling to be provided on demand for each original householder to the value of £185; and the requirement for the developer/applicant to submit a

Travel Plan monitoring report annually for three years with the first report to be provided after occupation of the 40<sup>th</sup> dwelling and to pay the total sum of £3,000 to the Council to monitor the reports (£1,000 for each report).

It is not considered that these highway contributions are necessary and can be sought as part of planning conditions, not S106 Agreements. As such, the highway requirements are not considered to be necessary, fair and reasonable in relation to the development.

On this basis, the S106 recommendation, with the exception of the highway requirements, are compliant with the CIL Regulations 2010.

### **Planning Balance**

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan.

However, as the application site is allocated for employment purposes within the Local Plan, the loss of this employment site is the principle consideration.

As the proposal seeks residential development on an allocated employment site, the proposal would be contrary to Policy E.1 of the Local Plan and be unacceptable in principle unless other material considerations indicate otherwise.

Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Policy EG3 from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that existing employment sites will be protected for employment use unless the site is no longer suitable or viable for employment use; and there is no potential for modernisation or alternate employment uses; and no other occupiers can be found.

The applicant has submitted a viability study in an attempt to address these policy considerations. However, the Council considers that the site does remain suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore also considered to be contrary to Policy EG3 from the emerging Local Plan Strategy – Submission Version and the NPPF in this regard.

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing, applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

In this case, the development would provide benefits such as; the provision of market housing, the provision of affordable housing, local economic benefits to nearby public facilities, an over provision of Public Open Space and education contributions.

Balanced against these benefits must be the dis-benefits which relate to the loss of this site for employment purposes.

On the basis of the above, it is considered that the economic dis-benefit resulting in the loss of this employment site outweighs the social and economic benefits of the residential development. Therefore, the proposal is considered to represent unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As such, the application is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE**

1. The proposed development would be for residential development on land allocated for employment purposes by Policy E.1 of the Borough of Crewe and Nantwich Adopted Local Plan First Review 2011. It is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 (Existing Employment Allocations) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 (Existing and Allocated Employment Sites) from the Cheshire East Local Plan Strategy – Submission Version (CELP). The proposal is also considered to be contrary to the NPPF.

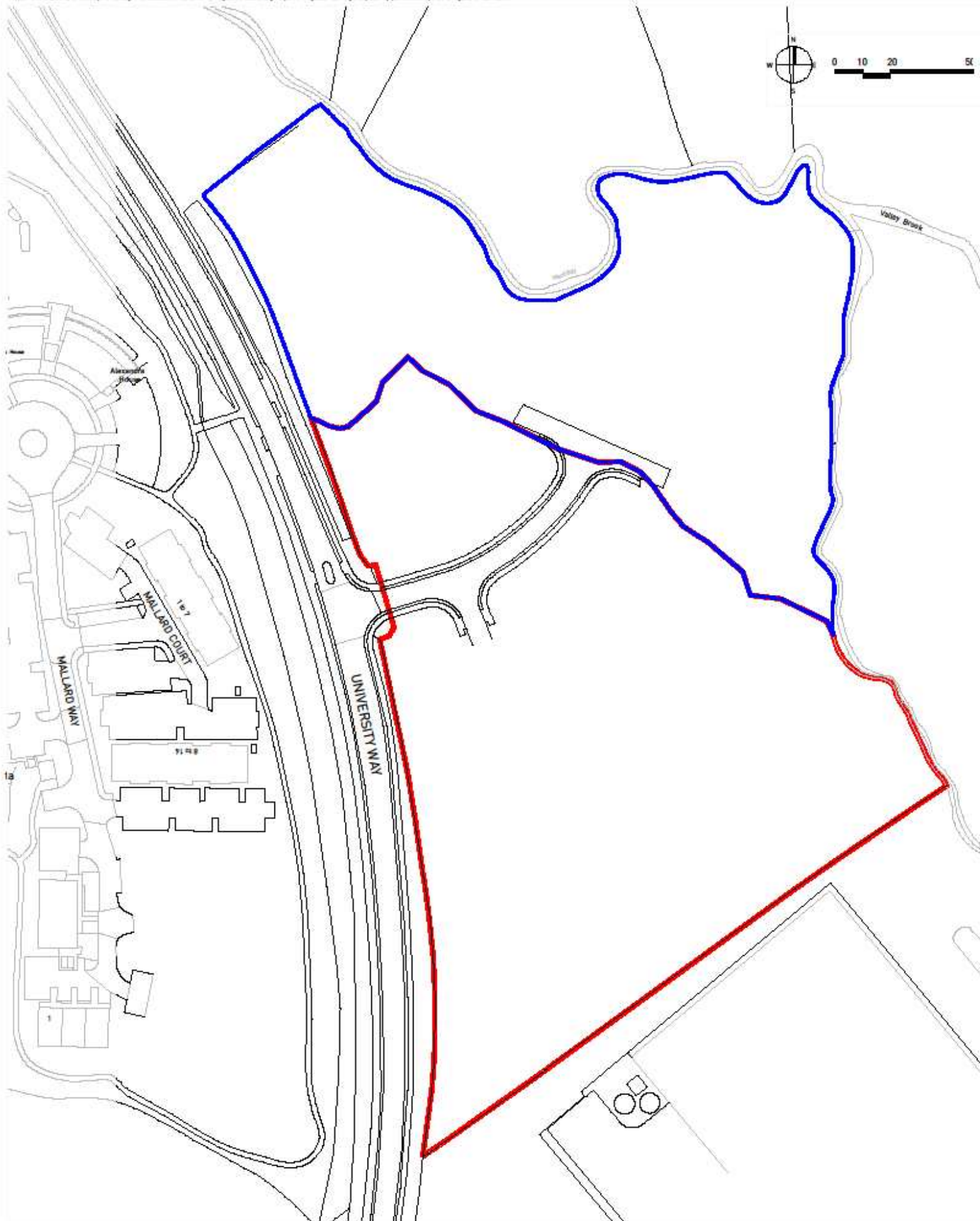
In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal. Approval is given to enter into a S106 Agreement to secure the following Heads of terms;

1. A 30% affordable housing provision to include;
  - 32 affordable homes and the tenure split of the affordable dwellings should be 65% social or affordable rent (up to 21 units) and 35% intermediate tenure (up to 11 units), the affordable housing should be provided on site.
  - The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%.
  - Requires developer/applicant to transfer any rented affordable units to a Registered Provider

- Requires developer/applicant to provide details of when the affordable housing is required
  - Includes provisions that require the affordable homes to be let or sold to people who are in housing need and have a local connection. The local connection criteria used in the agreement should match the Councils allocations policy.
  - Includes the requirement for an affordable housing scheme to be submitted prior to commencement of the development that includes full details of the affordable housing on site
2. A contribution of £216,926 to account for the Primary School provision
  3. A link between this application and planning application ref:15/0587N to ensure the provision of adequate POS provision

© Copyright Pegasus Planning Group Ltd. © Crown copyright. All rights reserved. Ordnance Survey Copyright Licence number 10002093. Planning Licence number 10002045. Standard OS licence rights, one year from purchase. Drawings prepared for planning application purposes only and are not to be used for construction or other documents. Please refer to (S) for development design risk assessment documents. Pegasus Urban Design is part of Pegasus Planning Group Ltd. Any queries to be reported to Pegasus for clarification.



This page is intentionally left blank



Application No: 15/0587N

Location: LAND OFF UNIVERSITY WAY, CREWE, CHESHIRE

Proposal: An outline planning application for the provision of shared recreational open space, children's play space, landscaping and associated works.

Applicant: Hawkstone Properties (Crewe Green) LLP

Expiry Date: 19-May-2015

#### **SUMMARY**

The site is allocated for employment purposes within the Local Plan and because the proposal seeks to use the site for an alternative non-employment use, the proposal would be contrary to Policy E.1 of the Local Plan and be unacceptable in principle unless other material considerations indicate otherwise.

Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Policy EG3 from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that existing employment sites will be protected for employment use unless the site is no longer suitable or viable for employment use; and there is no potential for modernisation or alternate employment uses; and no other occupiers can be found.

The applicant has submitted a viability study in an attempt to address these concerns. However, the Council considers that the site does remain suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore also considered to be contrary to Policy EG3 from the emerging Local Plan Strategy – Submission Version and the NPPF.

The development would provide a social benefit by providing Public Open Space. Balanced against this benefit must be the dis-benefits which in this case, relates to the loss of this site for employment purposes.

On the basis of the above, it is considered that the economic dis-benefit resulting in the loss of this employment site outweighs the social benefit of the provision of the Public Open Space. Therefore, the proposal is considered to represent unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

**Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.**

**As such, the application is recommended for refusal**

**RECOMMENDATION**

**REFUSE**

**PROPOSAL**

Outline planning permission is sought to change the use of this parcel of land to Public Open Space (POS) in association with an application for housing (ref: 15/0586N).

Matters of; Access, Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of changing the use of this parcel of land to POS only.

**SITE DESCRIPTION**

The application site is 2 hectares in size and lies within the Crewe settlement boundary as defined on the adopted Crewe and Nantwich Replacement Local Plan 2011.

It forms part of a larger site, the second half of which is subject to an associated planning application for housing (Ref: 15/0586N).

The site is bound to the north by Valley Brook, the east by Englesea Brook, scrubland subject to the associated housing application to the south and University Way to the west.

The site comprises of a combination of an unused tarmac access road and unmanaged land and scrub. There is an existing hedgerow fronting onto University Way and mature trees and vegetation along its Englesea Brook boundary.

The application site is located within Flood Zones 2 and 3 on the Environment Agency's indicative floodplain map.

There are a number of level changes within the site.

**RELEVANT HISTORY**

**15/0586N** - An outline planning application for the erection of up to 106 dwellings, landscaping and associated works. All matters are reserved except access on to University Way. The application is not seeking approval of details for the internal highway / cycle / pedestrian network – Under consideration

**13/2159N** - Extension of time limit for the outline application for the erection of five office buildings with associated car parking and landscaping – Approved 15<sup>th</sup> August 2015

**10/1146N** - Extension of Time Limit for the Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 16<sup>th</sup> July 2010

**P07/0017** - Outline Application for the Erection of Five Office Buildings with Associated Car Parking and Landscaping – Approved 4<sup>th</sup> April 2007  
**P06/0990** - Outline Application for Five B1 Office Buildings – Withdrawn 1<sup>st</sup> December 2006  
**P04/0478** - New Access Road off Crewe Green Link Road – Approved 25<sup>th</sup> May 2004  
**P04/0226** - EIA Screening Opinion - Proposed Development of Land for Employment Uses – EIA not required 17<sup>th</sup> March 2004  
**P00/0953** - Construction of Crewe Green Link Road (Northern Section) – Approved 4<sup>th</sup> January 2001  
**P00/0620** - Request for screening opinion – EIA not required 2<sup>nd</sup> August 2000  
**P98/0238** - Outline application for regional distribution depot and Crewe Green Link Road – Finally disposed of 17<sup>th</sup> April 2000  
**7/13981** - New access road and sewers including new junction with improvement of A534 Crewe Road – Approved 19<sup>th</sup> March 1987  
**7/11951** - Development of a high technology site – Approved 2<sup>nd</sup> August 1985

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development  
17 – Core planning principles  
29 – 41 Sustainable transport  
109-125 Conserving the Natural Environment,

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

E.1 (Existing Employment Allocations)  
E.1.1 (Crewe Business Park / Crewe Green)  
NE.5 (Nature Conservation and Habitats)  
NE.9 (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.5 (Infrastructure), TRAN.1 (Public Transport)  
TRAN.3 (Pedestrians)  
TRAN.5 (Provision for Cyclists)  
TRAN.6 (Cycle Routes)  
TRAN.9 (Car Parking Standards)  
RT.3 (Provision of Recreational Open Space and Children's Play space in new housing developments)  
RT.9 (Footpaths and Bridleways).

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

The following local policies within the emerging Cheshire East Local Plan Strategy – Submission Version shall be a material consideration;

PG1 (Overall Development Strategy)

PG2 (Settlement Hierarchy)

PG6 (Spatial Distribution of Development)

EG3 (Existing and Allocated Employment Sites)

SD1 (Sustainable Development in Cheshire East)

SD2 (Sustainable Development Principles)

SE1 (Design), SE2 (Efficient Use of Land)

SE3 (Biodiversity and Geodiversity)

SE4 (The Landscape)

SE5 (Trees, Hedgerows and Woodland)

SE6 (Green Infrastructure)

IN1 (Infrastructure)

IN2 (Developer Contributions)

C01 (Sustainable Travel and Transport)

C02 (Enabling Business Growth Through Transport Infrastructure).

### **Supplementary Planning Documents:**

Development on Backland and Gardens SPD (2008)

### **CONSULTATIONS**

**Head of Strategic Infrastructure (HSI) (Cheshire East Council)** – No objections

**Environmental Protection (Cheshire East Council)** – No objections, subject to a contaminated land informative

**ANSA (Cheshire East Council)** – No objections to the applications combined (15/0586N and 15/0587N), subject to the footpaths being tarmac and the provision of a NEAP.

**Flood Risk Manager (Cheshire East Council)** – No objections, but recommend the appropriate provision of signage to ensure users of the site are aware that of the potential risk of flooding.

**Public Rights of Way Officer (Cheshire East Council)** – No objections, but advise that;

- The pedestrian link onto University Way shown within the Illustrative Masterplan should be designed, to best practice standards, for pedestrians and cyclists as it connects with a shared use footway/cycleway and would be likely to be used by both user groups.

- The legal status, maintenance and specification of proposed pedestrian and cyclists routes within the public open space of the site would need the agreement of the Council as the Highway Authority. If the routes are not adopted as public highway or Public Rights of Way with the provision of a commuted maintenance sum, the routes would need to be maintained for use under the arrangements for the management of the open space of the site.

**United Utilities** – No comments received at time of report

**Canal and River Trust** – ‘No comment’

**Environment Agency** – No objections, subject to a number of conditions including; The prior submission of an ecology survey and the prior submission of a management scheme for the large undeveloped buffer zone alongside Valley Brook and Englesea Brook;

**Crewe Town Council** – Object to the proposal on the following grounds;

- Proposal is contrary to Policy E1 of the Local Plan.
- A high level of employment growth is predicted by Cheshire East Council (65,000 jobs) for which a supply of high quality employment sites is required;
- A number of consents have been granted for residential development in the vicinity of Crewe and for them to be sustainable it will be necessary to provide additional employment; and
- The economic appraisal submitted does not consider the current demand for university related uses, referring only to a conversation in 2008, and limits its consideration of B1 uses to office development. It is therefore not considered that the case is made that the land is not required for the purposes for which it is currently allocated.

## **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. No letters have been received.

## **APPRAISAL**

The key issues are:

- The principle of the development
- Sustainability – Including; the proposals economic, social and environmental roles
- CIL regulations
- Planning balance

### **Principle of development**

#### **Local Plan**

Policy E.1 of the Borough of Crewe and Nantwich Local Plan refers to existing employment allocations. Policy E.1 advises that in addition to land held by businesses and other organisations for future expansion, a number of sites have been allocated for business and industrial uses. Amongst these sites is ‘Crewe Business Park / Crewe Green’. The site in question falls within this allocation.

Policy E.1.1 of the Local Plan advises that within this allocation, B1 development and any uses required by and associated with Manchester Metropolitan University are specifically detailed as being acceptable.

Policy E.1.1 states that for the avoidance of doubt, such uses include; classroom/teaching facilities, residential accommodation for students, indoor and outdoor sport and recreational facilities.

As the proposed development seeks residential development and not development for the employment purposes detailed by Policy E.1.1, the proposal would be contrary to this Local Plan policy and be unacceptable in principle unless other material considerations indicate otherwise.

### NPPF

Paragraph 17 of the NPPF states that planning should;

*'Proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that a country needs.'*

Paragraph 22 of the NPPF states that;

*'Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.... Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for the different land uses to support sustainable local communities.'*

Although this statement refers to planning policies and not how planning applications should be considered, it provides a steer as to how the government want Local Planning Authorities to consider sites allocated for employment use and as such, this is a material consideration.

### Emerging Local Plan

Policy EG3 (Existing and Allocated Employment Sites) from the emerging Cheshire East Local Plan Strategy – Submission Version (CELP), which is a material consideration, advises that;

*'Existing employment sites will be protected for employment use unless;*

- i. Premises are causing significant nuisance or environmental problems that could not be mitigated; or*
- ii. The site is no longer suitable or viable for employment use; and*
  - a) There is no potential for modernisation or alternate employment uses; and*
  - b) No other occupiers can be found.'*

As the site is currently vacant scrubland, point *i* (above) does not apply. However, point *ii* does apply.

In response, the applicant has produced a study in an attempt to address these issues. In summary, the report concludes that;

*Crewe Office market*

- The site has had the benefit of planning permission for office's (B1 use in accordance with Policy E.1) for almost 8 years
- In 2007 approval was granted for 5 large office buildings. For marketing purposes, this layout was revised for the construction of 7 detached units. The site has been up for sale or let with this planning permission since February 2008.  
In 2008, contact was made with Manchester Metropolitan University (Which Policy E.1 also permits development of this site for) who made clear that there was no requirement for any further facilities.
- The Crewe Business Park, after being established approximately 30 years – is still not full
- The demand for office accommodation in Crewe has been driven from either the Public Sector or the SME sector.  
The demand for office accommodation from the Public Sector has reached an 'unprecedented low' due to budget cuts.  
The public sector is adding surplus floor space to the market e.g. Midpoint 18 (Middlewich), Wellington House (Crewe) and Oak House (Crewe).  
SME demand for offices in Crewe tends to be 'small scale'
- The 2012 Cheshire East Employment Land Review advised that although Crewe is a good office location '*it is not envisaged that there will be any major increase in take up in years to come.*'
- Rental demand for office space has decreased further since the introduction of 'empty property rates' by the government.  
Have been falling rents and shorter lease terms affecting the viability on new office accommodation.
- Short-term demand is unlikely to improve.
- Healthy existing supply of office accommodation in the Crewe area – 170,000 square feet, 62,000 square feet on Crewe Business Park.
- Are also other sites on Crewe Business Park offering new office development - Pochin's and The Gateway site.
- Are also other sites within the area offering the same – Basford East and Basford West.
- Therefore there is a healthy supply of existing office accommodation and employment land which the application site needs to compete against.

#### *Commercial viability*

- Value of new office development in the past 6-7 years has fallen significantly.
- Value of completed development is significantly less than the cost of the land and the construction costs.
- Speculative development is high risk
- Design and build demand – low
- Dummy appraisal estimates that if the scheme was built out on a speculative basis, it would make a loss of over £3.7 million

#### *Marketing*

- Began in February 2008
- Since that time, a number of activities have taken place including; Erection of a marketing board; Brochure of the site; CGI images; Public Sector liaison; Advertisement on websites; Inclusion within Office directory; been subject to agent mailing.

- Above has failed to generate any ‘...serious interest in the development of bespoke office buildings...’

*Alternative employment uses*

- Consideration given to B2 or B8 uses on the site
- Due to the levels differences within the site and its irregular shape, it would be difficult to configure for the effective operation of manufacturing or distribution companies.
- Basford East and Basford West are more appealing given their superior road links and proximity to the M6.

In summary, and to address the policy requirements of the emerging Local Plan, the submitted statement concludes that the site is no longer suitable or viable for employment use, that there is no potential for alternative employment uses and that no other occupiers can be found.

In response, Council's Planning Policy Officer has been consulted on the proposal and they have provided the following comments;

*‘Essentially, the Local Plan Strategy examination Inspector has indicated, via his interim views letter published last November, that the Council needs to be more ambitious in terms of jobs growth. The Council commissioned Ekosgen to look at what would be realistic job targets and they have indicated that it should be 0.7% instead of the 0.4% shown in the LPS. This means planning for an increase in jobs from around 13,900 to 31,400 over the Plan period. Crewe is our main employment centre and the Inspector has indicated that he is happy with our settlement hierarchy and general distribution in PG6 [Policy], albeit that he would like to see some more employment / housing development in the north. So to meet this significant up lift in job targets we will need good employment sites like this.*

*The site is needed to provide for the emerging employment strategy in the Local Plan which looks to a 2030 horizon and, while setting the scene for HS2, it this does not take account of it. Hs2 will mean an even greater requirement for suitable employment land and we will take account of this in the next Local Plan once the current LPS is approved i.e. the policy direction is clearly to maintain a supply of good employment sites and this is in line with the NPPF idea of creating sustainable communities / need for sustainable development.’*

In addition to the above, the Council's Regeneration Team have commented on the proposal to advise;

- *‘There is strong current demand for land and units with employment uses in Crewe both from existing expanding businesses and from inward investors. It is anticipated that demand will also be strong in the future.*
- *This site is adjacent to a successful business park and in a prominent location which will be further enhanced and benefit from the completion of Crewe Green Link Rd South later in 2015.*
- *University Way accommodates a range of businesses and uses and Bentley Motors occupy a unit adjacent to the site of the Planning Application 15/0587N.*
- *A range of employment uses for the site, in addition to the B1 use allocation, should be considered for the site.*

*In specific relation to the Legat Owen report we would like to comment that –*



- 7.2 – *It should be noted that the largest administrative centre for Cheshire East Council, in terms of number of employees, is Crewe where circa 1000 employees are based. This is larger than the number of employees based in the administrative centres in Sandbach and Macclesfield combined.*
- 7.3 – *The Crewe office market has many commercial drivers including for example Assurant Solutions who are based at Crewe Business Park and currently employ over 1000 employees and are seeking to expand in Crewe. Mahle have also recently taken space at Crewe Business Park*
- 7.8 – *Crewe is an excellent location for business. This view is reflected in more recent publications than the Employment Land Review. Notably 'All Change for Crewe : High Growth City'. The aspiration of All Change for Crewe includes the need to ensure development of accompanying short to medium term employment sites to compliment the strategic sites at Basford and Leighton in Crewe.*
- *Sir David Higgins report 'HS2 Plus' emphasized that 'An interchange at Crewe would be a real agent of change in the region'. A new regional transport hub at Crewe could bring structural change to the business offer in the area. Lord Paul Deighton, who is chairman of the HS2 Growth Taskforce, has also stated that Crewe is ideally placed to act as a hub station to connect HS2 into the surrounding regions.'*

## Conclusion

As a result of the above, it is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 from the emerging Local Plan Strategy – Submission Version, and the NPPF. Therefore, the principle of the proposed development would not be acceptable.

## Sustainability

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built

environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

These roles should not be undertaken in isolation, because they are mutually dependent.

### **Economic Role**

It is considered that such a development would create employment opportunities during the construction of the site and ongoing employment opportunities with regards to the site's management.

Furthermore, there would also be some economic benefit by virtue of visitors to the site spending money in the area and using local services.

However notwithstanding the above, the loss of this site for employment purposes would be a significant economic dis-benefit.

### **Social Role**

The provision of a large area of Public Open Space (POS) would provide social benefits as it would provide a public area where people can spend recreational time. Furthermore, the proposal would include children's play space and NEAP.

The Council's Public Open Space Officer has advised that overall, on consideration of both applications combined (this and the associated housing application ref: 15/0586N), he is satisfied with the provision, subject to the footpaths being tarmacked and the provision of a NEAP.

As such, subject to the above and a legal agreement to ensure that both applications are linked and that the POS be managed by a management company in perpetuity, it is considered that the provision of POS would be acceptable and offer a social benefit.

### **Residential Amenity**

Policy BE.1 of the Local Plan advises that new development should not be permitted if it is deemed to have a detrimental impact upon neighbouring amenity in terms of overlooking, visual intrusion or noise and disturbance.

Given that the developments proposed would only be minor, it is not considered that the proposal would create any neighbouring amenity issues with regards to loss of privacy, light or visual intrusion.

With regards to Environmental disturbance, the Council's Environmental Protection Team have advised that they have no objections, subject to an informative relating to contaminated land.

As such, it is considered that the proposed development would adhere with Policy BE.1 of the Local Plan and not create any significant amenity concerns.

## Conclusion

The scheme would provide a significant social benefit by the provision of Public Open Space. In addition, no neighbouring amenity concerns would be created.

As such, notwithstanding the principle acceptability of the proposal, it is considered that the development would be socially sustainable.

## **Environmental role**

### Landscape Impact

The site forms part of an extensive area of vacant land located to the east of University Way with Valley Brook running to the north and Englesea Brook to the east. There is part of an existing tarmacadam road connecting to a link from University Way. Habitats include unimproved grassland, scrub, mature trees on a mound to the north and associated with the watercourses, areas of self set saplings, together with recently planted trees, and a roadside hedgerow. The majority of the site lies within an identified flood zone. There is evidence to suggest that areas of the site have been used for motorbike trail riding which has resulted in erosion particularly around the mature trees on the mound. The areas adjacent to the watercourses are also eroded and the watercourses contain debris.

The Council's Landscape Officer has advised that the indicative landscape proposals appear to respect the majority of existing landscape features and provide opportunities for enhancement. Full details of hard and soft landscape proposals and ongoing management of the whole area would need to be addressed in a reserved matters application.

As such, the impact upon the landscape is not considered to be significant.

### Trees and Hedgerows

The application is supported by an arboricultural survey, impact assessment and draft tree protection plan which cover this site and an adjoining parcel to the south where residential development is proposed.

The Council's Tree Officer has advised that the submitted arboricultural information appears to follow the guidance contained within British Standard 5837:2012 Trees in relation to design, demolition and construction.

The Council's Tree Officer has advised that the identified potential arboricultural impacts do not appear to present any insurmountable issues and in principle there should be no objection from an arboricultural perspective subject to a suitable reserved matters layout plan.

### Ecology

The application is supported by an extended phase 1 habitat survey, a protected species report and mitigation survey, a tree bat survey.

### *'Other' Protected Species*

A well established main 'protected species' sett is present on site. The Council's Nature Conservation Officer has advised that the application is supported by an acceptable impact assessment and outline mitigation method statement.

As the current application is outline only and the status of 'protected species' on site may change prior to the commencement of works, the Council's Nature Conservation Officer recommends that if outline consent is granted, a condition must be attached requiring the submission of an updated 'protected species' survey, impact assessment and mitigation proposals in support of any future reserved matters application.

#### *Great Crested Newts (GCN)*

There is an historic record of a single GCN being found on this site over ten years ago. This animal is believed to have been associated with the ponds within Crewe Business Park. This population of GCN is known to have died out a number of years ago. The large balancing pond relatively recently constructed adjacent to the site has been assessed as having 'Below Average' potential to support GCN.

The Council's Nature Conservation Officer has advised that GCN are not reasonably likely to be present or affected by the proposed development and so no further action is required in respect of this species.

#### *Bats and trees*

Numerous trees occur on site which have the potential to support roosting bats and a roost was confirmed within one of these trees in the open space area.

Based on the submitted illustrative master plan, the Council's Nature Conservation Officer has advised that it is likely that one tree with bat roost potential (but not an actual roost) would be lost as a result of the proposed development. The Officer has advised that based on current information, roosting bats are unlikely to be affected by the proposed development however if outline consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated bat survey.

#### *Safeguarding Valley Brook*

Valley brook is located on the northern boundary of the application site. In order to ensure that the brook is safeguarded during the construction process, the Council's Nature Conservation Officer recommends that if outline consent is granted, a condition should be attached requiring the submission of a method statement for the safeguarding of an undeveloped 8m buffer zone adjacent to the brook.

Furthermore, it is advised that a condition shall be required seeking the submission of detailed design/planting for the ecological buffer area and orchard planting to be submitted in support of any future reserved matters application.

#### Flood Risk and Drainage

The eastern section of the application site falls within a Flood Zone's 2 and 3 as designated by the Environment Agency. As such, the application was supported by a Flood Risk Assessment (FRA).

The Environment Agency have reviewed the FRA and concluded that they have no objections to the proposed development, subject to a number of conditions including; The prior submission of an ecology survey and the prior submission of a management scheme for the large undeveloped buffer zone alongside Valley Brook and Englesea Brook.

The Council's Flood Risk Manager has advised that he has no objections to the proposal in principle, subject to an informative that the developer should provide adequate flood risk signage.

As such, subject to these conditions and informatives, it is considered that the proposed development would adhere with Policies BE.4 and NE.20 of the Local Plan.

### Design Standards

Policy BE.2 of the Local Plan advises that new development will only be permitted so long as; it would achieve a high standard of design, would respect the pattern, character and form of the surroundings and would not adversely affect the streetscene in terms of scale, height, proportions and materials used.

As the application is for outline permission only, matters of layout, scale and appearance from a design perspective cannot be considered as part of this scheme. However, in principle, the indicative layout of the POS is considered to be acceptable.

### Access

Again, access is not sought for approval at this stage.

However, the Head of Strategic Infrastructure has reviewed the application and advised that in principle, he would have no objections.

### Conclusion

The proposed development would not create any significant landscape, tree or hedgerow issues, nature conservation, access, design, flooding or drainage concerns subject to conditions.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

### Planning Balance

The application site lies within the Crewe settlement boundary where Policy RES.2 of the Local Plan advises that new housing will be permitted in accordance with Policies BE.1 to BE.5 of the Local Plan.

However, as the application site is allocated for employment purposes within the Local Plan, the loss of this employment site is the principle consideration.

As the proposal seeks to use the site for an alternative non-employment use, the proposal would be contrary to Policy E.1 of the Local Plan and be unacceptable in principle unless other material considerations indicate otherwise.

Paragraph 22 of the NPPF states that where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits.

Policy EG3 from the emerging Local Plan Strategy – Submission Version, which is a material consideration, advises that existing employment sites will be protected for employment use unless the site is no longer suitable or viable for employment use; and there is no potential for modernisation or alternate employment uses; and No other occupiers can be found.

The applicant has submitted a viability study in an attempt to address these concerns. However, the Council considers that the site does remain suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore also considered to be contrary to Policy EG3 from the emerging Local Plan Strategy – Submission Version and the NPPF in this regard.

The development would provide a social benefit by providing of Public Open Space. However, such a proposal would result in a loss to this allocated employment site.

On the basis of the above, it is considered that the economic dis-benefit resulting in the loss of this employment site outweighs the social benefit of the provision of the Public Open Space. Therefore, the proposal is considered to represent unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan.

Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits.

As such, the application is recommended for refusal.

## **RECOMMENDATION**

### **REFUSE**

- 1. The proposed development would be for the change of use of a site allocated for employment purposes by Policy E.1 of the Borough of Crewe and Nantwich Adopted Local Plan First Review 2011 to Public Open Space. It is considered that the site remains suitable and viable for employment use and there is potential for alternative employment uses. The development is therefore considered to be contrary to Policy E.1 (Existing Employment Allocations) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011, Policy EG3 (Existing and Allocated Employment Sites) from the Cheshire East Local Plan Strategy – Submission Version (CELP). The proposal is also considered to be contrary to the NPPF.**

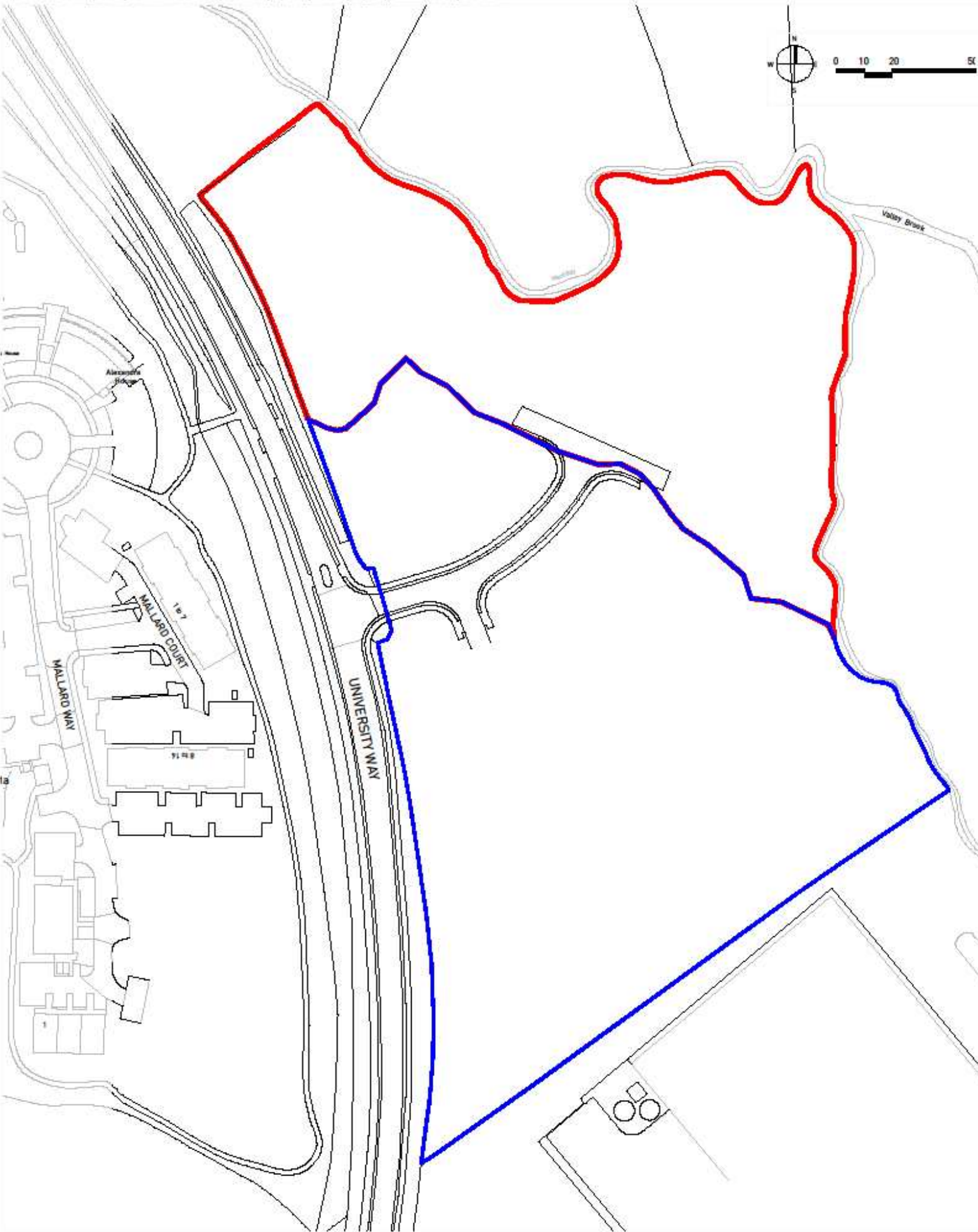
**In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any**

technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal approval is given to enter into a S106 Agreement to secure the following Heads of Terms

1. POS to be managed by an appointed Management Company in perpetuity.
2. Provision of NEAP

© Copyright Pegasus Planning Group Ltd. © Crown copyright. All rights reserved. Ordnance Survey Copyright Licence number 10002093. Promap Licence number 10002045. Standard OS licence rights, one year from purchase. Drawings prepared for planning application purposes only and can be scaled (drawings are not to be used for construction or sales documents). Please refer to (S)E01 for development design risk assessment documents. Pegasus Urban Design is part of Pegasus Planning Group Ltd. Any queries to be reported to Pegasus for clarification.



**LEGEND**

	Site location 4.96 acres/ 2.00 hectares		Other land in applicant's ownership
--	---	---	---





This page is intentionally left blank

Application No: 15/1210N

Location: Open grass land, Crewe Road, Shavington, Cheshire, CW2 5AH

Proposal: Outline Planning for development of 68 houses including new vehicular entrance, boundaries, infrastructure and landscaping, with primary access from the Crewe Road shown and other matters reserved.

Applicant: J Thompson

Expiry Date: 10-Jun-2015

### **SUMMARY**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes “sustainable development” in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The benefits in this case are housing provision, 30% affordable housing and LEAP provision.

The development would have a neutral impact upon education, protected species/ecology, highways, drainage/flood risk and residential amenity subject to mitigation.

The adverse impacts of the development would be loss of open countryside, loss of agricultural land, inadequate on-site POS provision, erosion of the Green Gap between Shavington and Crewe and adverse impact upon the visual character of the landscape

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal.

### **RECOMMENDATION**

Refuse
--------

## **PROPOSAL**

This is an outline planning application for the erection of 68 dwellings. Access is to be determined at this stage with all other matters reserved.

The proposed development includes a single access point onto Crewe Road which would be located to the western boundary of the site.

The indicative plans show that a play area would be located to the east of the site.

## **SITE DESCRIPTION**

The site of the proposed development extends to 2.19 ha and is located to the eastern side of Cholmondeley Road. The site is within Open Countryside and Green Gap. To the northern boundary of the site is agricultural land. To the south and south-east of the site is residential development which forms the village of Shavington (fronting Meadow Close, Park Estate, North Way and West Way). To the west of the site is residential development which fronts Crewe Road.

The land is relatively flat and is in agricultural use. There are a number of trees and hedgerow to the boundaries of the site.

Public Right of Way Shavington cum Gresty FP3 runs along the southern boundary of the site.

## **RELEVANT HISTORY**

The site has no relevant planning history.

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Replacement Local Plan 2011, which allocates the site, under policies NE.2 and NE.4, as open countryside and Green Gap.

The relevant Saved Policies are:

NE.2 (Open countryside)  
NE.4 (Green Gaps)  
NE.5 (Nature Conservation and Habitats)  
NE.8 (Sites of Local Importance for Nature Conservation)  
NE.9: (Protected Species)  
NE.20 (Flood Prevention)  
BE.1 (Amenity)  
BE.2 (Design Standards)  
BE.3 (Access and Parking)  
BE.4 (Drainage, Utilities and Resources)  
BE.7 (Conservation Areas)  
BE.15 (Scheduled Ancient Monuments)  
RES.5 (Housing in the Open Countryside)  
RES.7 (Affordable Housing)  
RT.3 (Provision of Recreational Open Space and Children's Playspace in New Housing Developments)  
RT.9 (Footpaths and Bridleways)  
TRAN.3 (Pedestrians)  
TRAN.5 (Cycling)

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

#### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy  
PG5 - Open Countryside  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

#### **Supplementary Planning Documents:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010

Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing  
Interim Planning Statement Release of Housing Land

## **CONSULTATIONS**

**Environment Agency:** Refer to standing advice.

**United Utilities:** Drainage condition suggested.

**CEC Flood Risk Manager:** Conditions suggested in relation to surface water drainage and Sustainable Urban Drainage.

**Natural England:** No comments to make on this application.

**CEC Head of Strategic Infrastructure:** The HSI is satisfied that the development proposals can be safely accommodated on the adjacent highway network; accordingly, the HSI has no objection to the planning application subject to the imposition of planning conditions.

**CEC Environmental Health:** Conditions suggested in relation to noise mitigation, piling works, bin storage, travel plan, electric vehicle infrastructure, dust control and contaminated land. An informative is also suggested in relation to contaminated land.

**Ansa (Public Open Space):** The proposal should provide an equipped children's play area. The equipped play area needs to cater for younger children with 5 pieces of equipment.

**CEC Strategic Housing Manager:** No objection.

**CEC Archaeology:** The Archaeologist is mindful of the size of the affected area and the limited results from a number of recent investigations on similar sites in the area, it is advised that further archaeological work would be difficult to justify. Consequently, no further mitigation is recommended in this instance.

**Mid-Cheshire Footpaths Society:** No representations to make. However it is requested that the footpath is not converted into a fenced walkway that may become an unsocial area or diverted onto estate roads. Should the application be approved the applicant should be made aware of his obligations to keep Shavington cum Gresty FP3 open and walkable at all times.

**CEC Countryside Access:** The site should be permeable and accessible to pedestrians and cyclists. Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists. The developer should be asked to contribute towards the improvement of facilities for cyclists between the site and the town centre in order to minimise the impact of additional vehicular traffic arising as a result of the proposed development.

The developer should be tasked to provide new residents with information about local walking and cycling routes for both leisure and travel purposes, with key routes signposted

**CEC Public Rights of Way:** Whilst the route is shown on the layout plan and stated that it will be accommodated within the site, insufficient consideration as to how this is to be achieved has been given at this stage. The path is partly shown along pavement at one point then running along the length of two gardens. This would not comply with Secure by Design policies as there is no natural surveillance and the path will become enclosed and hidden. This route will also become entirely urbanised and in order to best serve the new residents it should be a tarmacked 2 metre wide route within a green corridor. An informative should be attached to the decision notice.

**Education:** No education contribution is being sought for this application.

## **VIEWS OF THE PARISH COUNCIL**

**Shavington Parish Council:** Object to the application on the following grounds:

- All of the proposed houses are located outside of the Settlement Boundary and within Open Countryside. The development would be contrary to Local Plan Policy NE.2.
- Over the last three years Shavington has experienced enormous interest from large scale housing developers with well over 1,000 additional dwellings already approved despite local objections and largely due to the absence of a demonstrable housing land supply in the Local Plan.
- The development would be contrary to Green Gap Policy NE.4 green gaps.
- Clearly the proposed development encroaches further into the green gap between Shavington alongside the A500 and would impact on character of the landscape on the northern edge of Shavington Village.
- The development of 68 houses at the proposed site will increase the number of cars using Crewe Road substantially and further add to congestion.
- The A500 junction is 200m from the proposed access point and this stretch of road is the main route into the Village.
- The traffic egress and entering the site will further increase the cumulative effect of greatly increased numbers from the 1,200+ homes already approved for Shavington, many of which are currently already under construction.

## **REPRESENTATIONS**

Letters of objection have been received from 72 local households raising the following points:

### Principal of development

- The site is within the open countryside
- Loss of village identity
- Another step in Crewe and Shavington merging into one
- Cheshire east should look at other locations for housing development
- The site is designated as Green Gap
- Brownfield sites should be developed first
- Shavington is not a sustainable village
- The site should be retained as a buffer to the Basford employment sites
- There are no jobs in Shavington
- No more houses are needed/wanted in Shavington
- The existing approved developments will meet the needs of Shavington
- Lack of shops and facilities within the village
- The site is not identified within the Local Plan

- The development would be contrary to numerous local plan policies
- Recent appeal decisions have supported the retention of Green Gaps

#### Highways

- Increased traffic congestion
- Speeding vehicles along Crewe Road
- Pedestrian safety
- Roads are in a poor state of repair
- The access is located at a dangerous bend in the road
- Parking problems within the village
- Proximity of the site to the junction with the A500
- Lack of public transport to serve Shavington

#### Green Issues

- Impact upon wildlife
- Loss of habitat
- Impact upon protected species
- Loss of Trees

#### Infrastructure

- Local infrastructure cannot cope
- Primary schools are full in the village
- Impact upon medical infrastructure
- Water run-off and flooding issues
- Drainage/sewer systems cannot cope with further development
- Increased risk of flooding

#### Amenity Issues

- Air pollution
- Light pollution
- Noise pollution
- Loss of privacy
- Loss of outlook
- Loss of light
- Noise and disturbance from the dwellings

#### Design issues

- The development does not respect the character and appearance of the area
- The development appears too dense
- A suburban development would be out of keeping with the village

#### Other issues

- Loss of agricultural land
- There is a lack of information in relation to the proposed land levels
- Residents posters raising awareness of this application have been removed
- Difficulty in selling houses in Shavington
- The site includes a well used PROW
- No benefits to local residents
- Impact upon house prices in the area



- Lack of facilities for young people within the village
- The site is well used by dog walkers
- Lack of consultation
- Concern about the location of the site notice
- The PROW should be retained within its current position

A letter of objection has been received from Edward Timpson MP raising the following points:

- Over 600 dwellings have already been approved in the locality and this represents a 30% increase. Proposals for another 100 are awaiting a decision.
- The local infrastructure cannot sustain further developments
- As part of his decision to dismiss application 13/2874N the SoS concluded that the Gresty oaks development would pre-empt the local plan
- This application is not wanted, sustainable and does not meet any acceptable planning criteria and should be refused

A representation has been received from Cllr Edgar which states that the residents wish to raise the following material planning concerns:-

- This site is designated Green Gap (CNBC Interim Policies) in the Open Countryside.
- The site extends beyond the settlement boundary of Shavington Village.
- The outline plans have clustered all affordable housing at the end of the site – they say this is contrary to the policy of ‘pepper-potting’ affordable housing across developments to prevent unnecessary segregation.
- Plans show and refer to a development at Shavington Hall that has been refused. The reasons stated for refusal on that application are relevant to this site and should be closely referred to in the interests of consistency of approach.
- Plans show and refer to a development north of the site. No permission for this site has been granted. Furthermore there is a proposed access road that presupposes that planning consent will be granted to the other plot in the north. They say that this is misleading.
- Plans show and refer to trees that have recently been chopped down. Further remedial landscaping and tree replacement will be necessary.
- The entrance to this site is compromised by its proximity to traffic lights and by the business park opposite. It is close to the junction with the A500 slip road and roundabout which has been designed to meet the needs of the Basford West development on the opposite side of the road and which will also now have to cope with the additional traffic flows of the many other large housing developments in Shavington. Another development so close to this important access junction to the A500 will interfere with these cumulative traffic flows and create a significant hazard especially at peak commuter and school transport times.
- The development of this site pre-empts the local plan (ref Edward Timpson MP letter), and has been cited by the Secretary of State as a legitimate reason for dismissing other applications in the Green Gap (eg: HIMOR 2015).
- The Local Plan Inspector stated in October 2014 that housing allocation strategies in Cheshire East were basically sound, but that there was insufficient housing in the north of the borough. It would therefore be inappropriate to build more in the south on this site.
- Permission to build in Shavington has already been granted to the developments on Rope Lane, Shavington East and the Shavington Triangle. Add to this the major building projects at Basford East and West, there is already a substantial building plan in place, with many homes already under construction. Further building that extends the Village settlement boundaries cannot therefore be justified.

- Residents consider that local infrastructure (local roads, schools, doctors and facilities) are not adequate to support more development. Services are already having to be adjusted to cope with new residents moving into current housing developments and it is recognised that current facilities cannot continue to be 'stretched'.
- There is a major concern regarding the fact that there was no public consultation document produced.
- The statutory notices were inadequately displayed.
- The applicant has stated that there have been no previous planning applications when in fact planning had been applied for in 1999/2000.
- Inconsistencies in the panoramic view photographs of the site
- Errors on the plan in the positioning of a footpath
- A misleading statement that the plot is 'bounded on 3 sides' by development. This leads the reader to infer that the site almost surrounded when in fact the site is only 47% bounded.
- The title of the site 'Shavington Park' has already been allocated to the planned development on the Shavington Triangle near Wybunbury.

The local residents are anxious that misrepresentation of important elements of this application should be highlighted so that you as planning officers and Planning Committee members are able to make sound judgements based on factual evidence. For all of the reasons cited above, they have requested that this application is recommended for refusal.

Cllr Edgar states that these comments are not expressing any opinion of his own and he does not wish to fetter his discretion should the application be called to a committee meeting.

## **APPRAISAL**

### **The key issues are:**

- Loss of open countryside
- Impact upon the Green Gap
- Impact upon nature conservation interests
- Design and impact upon character of the area
- Landscape Impact
- Amenity of neighbouring property
- Highway safety
- Impact upon local infrastructure

### **Principle of Development**

The site lies largely in the Open Countryside as designated by the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Residential development will be restricted to agricultural workers dwellings, affordable housing and limited infilling within built up frontages.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result, it constitutes a "departure" from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act

2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council’s identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Green Gap**

In this case, the application site is within the Green Gap. Therefore, as well as being contrary to Policy NE2 (Open Countryside) it is also contrary to Policy NE.4 (Green Gaps) of the Local Plan which states that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would:

- result in erosion of the physical gaps between built up areas;
- adversely affect the visual character of the landscape.

A development of the scale proposed will clearly erode the physical gap between Shavington and Crewe. It is also considered that it will adversely affect the visual character of the landscape. This is discussed in greater detail below.

Policy NE.4 goes on to state that exceptions to this policy will only be considered where it can be demonstrated that no suitable alternative location is available. It is considered that there are many other sites within Cheshire East which, although designated as Open Countryside, are not subject to Green Gap policy and can be used to address the Council's housing land supply shortfall and which would not contravene policy NE4.

Turning to the question of whether, in the light of the lack of a 5 year supply, Policy NE4 should be considered to be a housing land supply policy and / or out of date, Green Gap policy has a specific planning purpose – to avoid settlements merging. This is not a housing supply policy purpose. Whilst Open Countryside areas also have specific roles (including the protection of the Countryside for its own sake, in accordance with NPPF paragraph 17.(v)) open countryside policy does not have the special, additional function of ensuring that two settlements remain separate (that is the function of Green Gaps). Hence Green Gaps are not a function of Open Countryside policy; rather Green Gaps have their own specific function.

The Courts have ruled that the interpretation of policy is a matter of law, and the above stance is supported by Ousley J in the Barwood case who draws a distinction between general open countryside policy and policies which protect gaps between settlements. It has also been the approach taken by the Secretary of State in the Gresty Oaks and Church Lane Wistaston Appeal cases and Mrs Justice Lang in the High Court decision which led to the quashing of the decision to allow the appeal at Moorfields in Willaston.

Whether a proposed development falls within the definition of “*sustainable*” development is a question of fact for the decision maker's assessment in the circumstances of any individual case. However, as it is located within Green Gap, this case profits from a very clear reflection on the meaning of that expression applied to similar circumstances, and this is to be found in Bloor Homes East Midlands Ltd. V. SOSCLG [2014]:

*“On any sensible view, if the development would harm the Green Wedge by damaging its character and appearance or its function in separating the villages of Groby and Ratby, or by spoiling its amenity for people walking on public footpaths nearby, it would not be sustainable development within the wide scope drawn for that concept in paragraphs 18 to 219 of the NPPF”.*

It is therefore concluded that contravening the Green Gap policy renders the development unsustainable and consequently, it does not benefit from the presumption in favour under Paragraph 14 of the NPPF.

## **SOCIAL SUSTAINABILITY**

### **Affordable Housing**

The SHMA Update 2013 identified a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area, which is made up of a

requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

There are currently 47 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocating social & affordable rented housing in Cheshire East) who have selected Shavington as their first choice, these applicants require 12 x 1 bed, 23 x 2 bed, 10 x 3 bed, 1 x 4 bed and 1 x 5 bed properties.

If this application is approved there would be a requirement for a proportion of the dwellings to be provided as affordable dwellings, this should be as 30% of the total dwellings with 65% provided as affordable or social rented dwellings and 35% as intermediate tenure dwellings. Based on the proposal for 68 dwellings this equates to a requirement for 21 affordable dwellings, with 14 provided as social or affordable rent and 7 provided as intermediate tenure.

The Planning Statement offers 30% of the total dwellings as affordable however there is no confirmation of the tenure split. The Planning Statement states that there will be 14 x 2 bed, 1 x 3 beds and 6 x 4 beds. The Strategic Housing Manager is not satisfied that Cheshire Homechoice shows a need for 4 bed properties in Shavington and as such would like to discuss the mix of affordable units at reserved matters stage if this application is approved. Also, the impact of Welfare Reform changes will impact on the need for larger rented accommodation.

### **Public Open Space**

Policy RT.3 states that where a development exceeds 20 dwellings the Local Planning Authority will seek POS on site. In this case the level would be 2,380sq.m and the indicative plan shows that the developer will provide 675sq.m of open space which would comprise a play area (the narrow strips of land around the boundaries of the site would not constitute useable recreational open space and has not been included). As such the submitted plans do not demonstrate that the site could accommodate the 68 dwellings proposed together with the required open space requirement. As such this issue will form a reason for refusal.

In terms of children's play space there would be provision on this site and this would be secured as part of a S106 Agreement together with a scheme of management.

### **Education**

The impact of this development has been considered by the Councils Education Department who consider that local primary and secondary schools have capacity to serve this development. As such no education contribution is required for this application.

### **Health**

Although no consultation response has been received from the NHS there are 6 medical centres within 3 miles of the site and according to the NHS choices website they are all currently accepting patients indicating that they have capacity.

### **Location of the site**

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The accessibility of the site shows that following facilities meet the minimum standard:

- Post office (1000m) – 965m
- Public House (1000m) – 804m
- Cash Point (1000m) – 965m
- Primary School (1000m) – 804m
- Local meeting place (1000m) – 800m
- Convenience Store (500m) – 160m
- Bus Stop (500m) – 145m
- Public Right of Way (500m) – 100m
- Children’s Play Space (500m) – would be provided on site

Where the proposal fails to meet the standards, the facilities / amenities in question are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities are:

- Amenity Open Space (500m) – 643m
- Post Box (500m) – 965m
- Leisure Centre (1000m) – 1126m
- Outdoor Sports Facility (500m) – 1126m
- Secondary School (1000m) – 1126m
- Child Care Facility (nursery or crèche) (1000m) - 1126m

The following amenities/facilities fail the standard:

- Supermarket (1000m) – 3540m
- Medical Centre (1000m) - 1770m
- Pharmacy (1000m) – 1770m

In summary, the site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are guidelines and are not part of the development plan. Owing to its position on the edge of Shavington, there are some amenities that are not within the ideal standards set within the toolkit and will not be as close to the development as existing dwellings which are more centrally positioned. Nevertheless, this is not untypical for a sustainable village (Shavington is classed as a local service centre in the Cheshire East Local Plan Policy Principles document) and will be the same distances for the residential development on Crewe Road from the application site. However, all of the services and amenities listed are accommodated within Shavington, Nantwich or Crewe and are accessible to the proposed development via a short bus journey. Accordingly, it is considered that this small scale site is a sustainable site.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Residential Amenity**

The main residential properties affected by this development are those to the south and south east fronting Meadow Close, Park Estate, North Way and West Way and those to the west fronting Crewe Road.

An illustrative layout has been provided with this application. However it should be noted that the detailed layout will be determined at the reserved matters stage and it is considered that an acceptable scheme could be secured that would not have a detrimental impact upon residential amenity.

### **Noise**

The site is in close proximity to the A500 and B5071 link road. In addition there are some nearby commercial/industrial uses which could also cause a noise impact, and as such there is potential for future occupants of the site to suffer adverse impacts, loss of amenity and harm to health by virtue of noise from the road traffic.

A noise report has been submitted in support of the application. In the report it is noted that the final site layout has not been agreed (this being an outline application) and as such noise mitigation measures have been calculated based on expected worst case positions.

It is also noted that the report considers all land within the Blue Line boundary shown on the location plan. This particular application concerns the red line boundary and as such is a quieter part of the development.

The methodology and conclusions of the report are agreed by the Councils Environmental Health Officers.

The applicant has submitted a scheme of acoustic insulation with the application. The report recommends mitigation designed to ensure that occupants of the properties / are not adversely affected by noise from road traffic.

The Environmental Health Officer has raised no objection to this development subject to the imposition of a planning condition.

### **Air Quality**

Whilst this scheme itself is of a relatively small air quality impact, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

The cumulative impact of a number of developments in the area around Crewe and the Air Quality Management Areas (AQMA), regardless of their individual scale, has the potential to significantly increase traffic emissions and as such could adversely affect local air quality for existing residents by virtue of additional road traffic emissions. This proposal is likely to have

some, albeit very small, impact upon the Nantwich Road AQMA. For the protection of human health, it is the significance of these cumulative impacts the LPA must take into consideration when recommending mitigation measures and not the impacts of each individual proposal.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. However it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties.

These measures will be secured through the imposition of a planning condition.

### **Contaminated Land**

The submitted Contaminated Land Report in support of the application has adequately assessed and characterised the potential risks posed at the site to the development. It has been concluded that no remedial measures are required and has recommended that a Discovery Strategy be produced for unexpected contamination. The Councils Environmental Health Officer is in agreement with this approach.

### **Public Rights of Way**

PROW Shavington cum Gresty FP3 crosses this site and the indicative layout shows that this would be retained. However final details will not be known until the Reserved Matters stage.

### **Highways**

#### Access

Access to the site is taken from a new priority controlled junction with Crewe Road, the layout is comprised:

- A site access carriageway width of 5.5m;
- Corner radii of 6.0m;
- Visibility splays of 2.4m x 59m;
- Uncontrolled pedestrian crossings with dropped kerbs and tactile paving across the site access at its junction with Crewe Road and across Crewe Road to link the site to the bus stop opposite; and
- The footway on Crewe Road running alongside the site boundary is currently substandard in width and in a poor state of repair; the footway will be re-constructed and upgraded in width to 2.0m.

In terms of junction geometry, layout and visibility; the access proposals are considered to be an acceptable solution to serve a development of 68 dwellings.



### Traffic Impact

A development of 68 dwellings would be expected to generate less than 50 two-way trips during the morning and evening commuter peak periods; this level of traffic generation would not be expected to have a material impact on the operation of the adjacent or wider highway network.

An operational assessment of the proposed site access / Crewe Road junction has been undertaken for the future year 2030 and includes the following committed development:

- Basford East & Basford West Regional Investment Site;
- Rope Lane (Shavington) Residential Development;
- Shavington Triangle Residential Development;
- Gresty Lane Residential Development;
- Crewe Road Residential Development; and
- Shavington East Residential Development.

The results of the assessment indicate that even in 2030 the proposed junction will operate with significant reserve capacity and should, therefore, operate safely.

### Highways Conclusion

In conclusion the proposed development would have an access of an acceptable design with adequate visibility. The traffic impact upon the local highway network would be limited and would be acceptable. It is therefore considered that the development complies with the local plan policy BE.3 and the test contained within the NPPF which states that:

*'Development should only be prevented or refused on transport grounds where then residual cumulative impacts of development are severe'*

### **Trees and Hedgerows**

#### Trees

The site has hedgerows to sections of the boundary and there are a small number of trees around the periphery.

The application is supported by a tree report which includes a survey of trees on the site and a wider site area. The report covers 8 trees on the application site, and indicates that the indicative proposal would impact upon one tree, a category C Sycamore where an internal access road and parking space would encroach into the RPA of the tree. Use of a no-dig construction method is suggested. In addition, minor pruning works are proposed, together with tree protection measures. Reference is also made to possible conflict between a public footpath and tree protection on the southern boundary

As an outline application with only access included, the full arboricultural impacts of development would only be realised at reserved matters stage. Nevertheless, it appears that with appropriate protection measures, the indicative layout could be achieved with limited arboricultural impacts.

### Hedgerows

The submitted hedgerow report indicates that the surveyor does not believe the roadside hedge can be classed as 'Important' under the Hedgerow Regulations 1997.

The findings in the hedgerow report, and comments in the previously submitted ecological report, indicate the hedge has few woody species and is judged to have limited ecological value. Although these are questions over the historical value of the hedgerow.

In this case the hedgerow would be largely retained apart from a short loss for the formation of the access point.

### **Design**

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*"Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment."*

In this case an indicative layout has been provided in support of this application and this shows that and although there are weaknesses with this layout it is considered that an acceptable design/layout that would comply with Policy BE.2 (Design Standards) and the NPPF could be negotiated at the reserved matters stage.

### **Impact upon Built Heritage**

Given the separation distances involved and the intervening residential development it is not considered that the development would have an impact upon the setting of the listed building at Shavington Hall.

### **Archaeology**

No features are recorded from within the application area and an examination of the historic mapping and aerial photographs does not suggest any particular archaeological potential. As such the Council's Archaeologist raises no objection to this development.

### **Landscape**

The application site lies to the north of Shavington and covers an area of approximately 2.19 hectares. The application site is agricultural land with hedgerows and a number of hedgerow trees, bound to the west by Crewe Road, to the north by open countryside, beyond which is the A500; open countryside extends from the northern part of the eastern boundary, the southern part extends along the rear of residential properties located along North Way and the southern boundary is adjacent to the residential edge of Shavington. Footpath 3

Shavington cum Gresty extends from Crewe Road along much of the southern boundary of the application site.

The application includes neither a Landscape Appraisal or a Landscape and Visual Impact Assessment, nor does it refer to the Landscape Character Assessment of Cheshire 2009, which identifies that the application site is located within the Lower Farms and Woods landscape type and more specifically that it is located within the Barthomley Character area (LFW7). The Design and Access statement does include a paragraph on Visual Analysis (2.05), which states that the application site is grassland bordered with native hedgerows. The Planning Statement includes a paragraph on Landscape, which states that the landscape of the site is dominated by the built development and that the landscape and visual impact of the development will no more than complete the development in this part of Shavington by rounding it off. The Councils landscape Architect has stated that he would disagree with both comments.

The application site is located beyond the settlement boundary of Shavington and within the boundary of the Green Gap. Policy NE4 of the Borough of Crewe and Nantwich replacement Local Plan 2011 is relevant to this application, this policy indicates that approval will not be given for the construction of new buildings or the change of use of existing buildings or land which would: result in erosion of the physical gaps between built up area; or adversely affect the visual character of the landscape. Although no assessment using the recognised methodology has been undertaken, it is considered that the proposals would be contrary to Policy NE4.

## **Ecology**

### Great Crested Newts

This protected species is known to breed at a number of ponds within 250m of the proposed development. The habitats affected by the proposed works are, with the exception of the hedgerows, of relatively low quality for this species. The submitted ecological assessment advises that there is a reasonable probability of Great Crested Newts being present within the development area or the habitats adjacent to it.

In the absence of mitigation the proposed development will result in the loss 2.12 hectares of poor quality terrestrial habitat, which would be likely to have a low level of adverse impact on the local Great Crested Newt population. The proposed works would also pose a low risk of killing or injuring any newts present on site when the works were undertaken.

The detailed great crested newt method statement includes proposals for the creation of additional habitat in the form of two small ponds and an area of rough grassland habitat associated with a SUDS pond located just outside the red line of the application site but within the blue line which identifies other land controlled by the applicant. The Councils Ecologist advises that this is acceptable to address the loss of low value habitat associated with the development.

In order to address the risk of great crested newts being killed or injured during the construction phase the applicant has submitted an acceptable suite of reasonable avoidance measures.

The Councils Ecologist advises that, considering the nature of habitats to be lost, the distance between the application site and the ponds and the quality of the habitats located around the ponds, the risk of an offence occurring in respect of Great Crested Newts is low in the absence of mitigation. Provided the proposed mitigation measures are implemented the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the Habitat Regulations during the determination of this application.

### Bats

A tree has been identified on site which has the potential to support roosting bats. This tree is located upon the site's southern boundary and so it appears feasible for this tree to be retained as part of the proposed development.

If any arboricultural works are proposed to this tree at the detailed design stage a more detailed bat survey may be required. The Councils ecologist recommends that this matter is dealt with by means of a condition attached to any outline permission granted.

### Hedgerows

Hedgerows are a priority habitat and a material consideration. The proposed development is likely to result in the loss of a section of hedgerow along Crewe Road. The Councils Ecologist recommends that the submitted master plan be amended to include proposals for the incorporation of additional replacement native species hedgerow to compensate for that lost.

### **Flood Risk**

Although the site is located in flood zone 1, there is a small area in the west (adjacent to Crewe Road) which is at high risk of flooding from surface water. Appropriate measures will need to be incorporated into the design to mitigate the risk in this area.

In line with the updated Planning Practice Guidance, the developers would need to ensure the design of their surface water drainage scheme takes account of the construction, operation and maintenance requirements of both surface and subsurface components.

The Councils Flood Risk Manager, the Environment Agency and United Utilities have been consulted as part of this application and have raised no objection to the proposed development. As a result, the development is considered to be acceptable in terms of its flood risk/drainage implications subject to the imposition of the suggested conditions.

### **Agricultural Land Quality**

Policy NE.12 of the Local Plan states that development on the best and most versatile agricultural land (Grades 1, 2 and 3A) will not be permitted unless:

- The need for the development is supported by the Local Plan
- It can be demonstrated that the development proposed cannot be accommodated on land of lower agricultural quality, derelict or non-agricultural land

- Other sustainability considerations suggest that the use of higher quality land is preferable

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this case the no Agricultural Land Assessment has been provided and as such this issue will form a reason for refusal.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Shavington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **CIL Regulations**

In order to comply with the Community Infrastructure Regulations 2010 it is necessary for planning applications with planning obligations to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, POS and play equipment is a requirement of the Local Plan Policy RT.3. It is necessary to secure these works and a scheme of management for the open space and play equipment. This contribution is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **PLANNING BALANCE**

Paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites and where this is the case housing applications should be considered in the context of the presumption in favour of sustainable development

It is therefore necessary to make a free-standing assessment as to whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14 by evaluating the three aspects of sustainable development described by the framework (economic, social and environmental).

The benefits in this case are:

- The development would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.
- In terms of the LEAP provision this is considered to be acceptable. The provision of the LEAP would provide a facility for future residents and other residents in this part of Shavington
- The development would provide significant economic benefits through the provision of employment during the construction phase, new homes and benefits for local businesses in Willaston.

The development would have a neutral impact upon the following subject to mitigation:

- The impact upon education infrastructure would be neutral as no objection has been raised by the Councils Education Department
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions to secure mitigation.
- There is not considered to be any drainage implications raised by this development.
- The impact upon trees is considered to be neutral at this stage and further details would be provided at the reserved matters stage.
- The impact upon residential amenity/noise/air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Subject to conditions the highways impact is considered to be neutral.

The adverse impacts of the development would be:

- The loss of open countryside.
- The loss of agricultural land.
- Erosion of the Green Gap between Shavington and Crewe
- Adverse impact upon the visual character of the landscape
- Inadequate information has been provided in relation to POS provision on this site

On the basis of the above, it is considered that the proposal represents unsustainable development and paragraph 14 is not engaged and therefore the proposal should be determined in accordance with the development plan. Notwithstanding this point, even if it were engaged, it is considered that the adverse effects of the scheme significantly and demonstrably outweigh the benefits. Accordingly it is recommended for refusal for the reasons set out below.

## **RECOMMENDATION:**

### **REFUSE for the following reasons:**

- 1. In the opinion of the Local Planning Authority, the proposed development would cause a significant erosion of the Green Gap between the built up areas of Shavington and Crewe and adversely effect the visual character of the landscape which would significantly and demonstrably outweigh the benefits of the scheme notwithstanding a shortfall in housing land supply. The development is therefore contrary to Policy NE4 (Green Gaps) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.**
- 2. Insufficient information has been provided to demonstrate that the proposed development would not involve the permanent loss of best and most versatile**

agricultural land. The NPPF states that local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality. The proposed development is contrary to Policy NE.12 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and Paragraph 112 of the NPPF.

3. Insufficient information has been provided to demonstrate that the site could accommodate the number of dwellings proposed together with the required level of Open Space. As such the proposed development is contrary to Policy RT.3 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within the NPPF.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

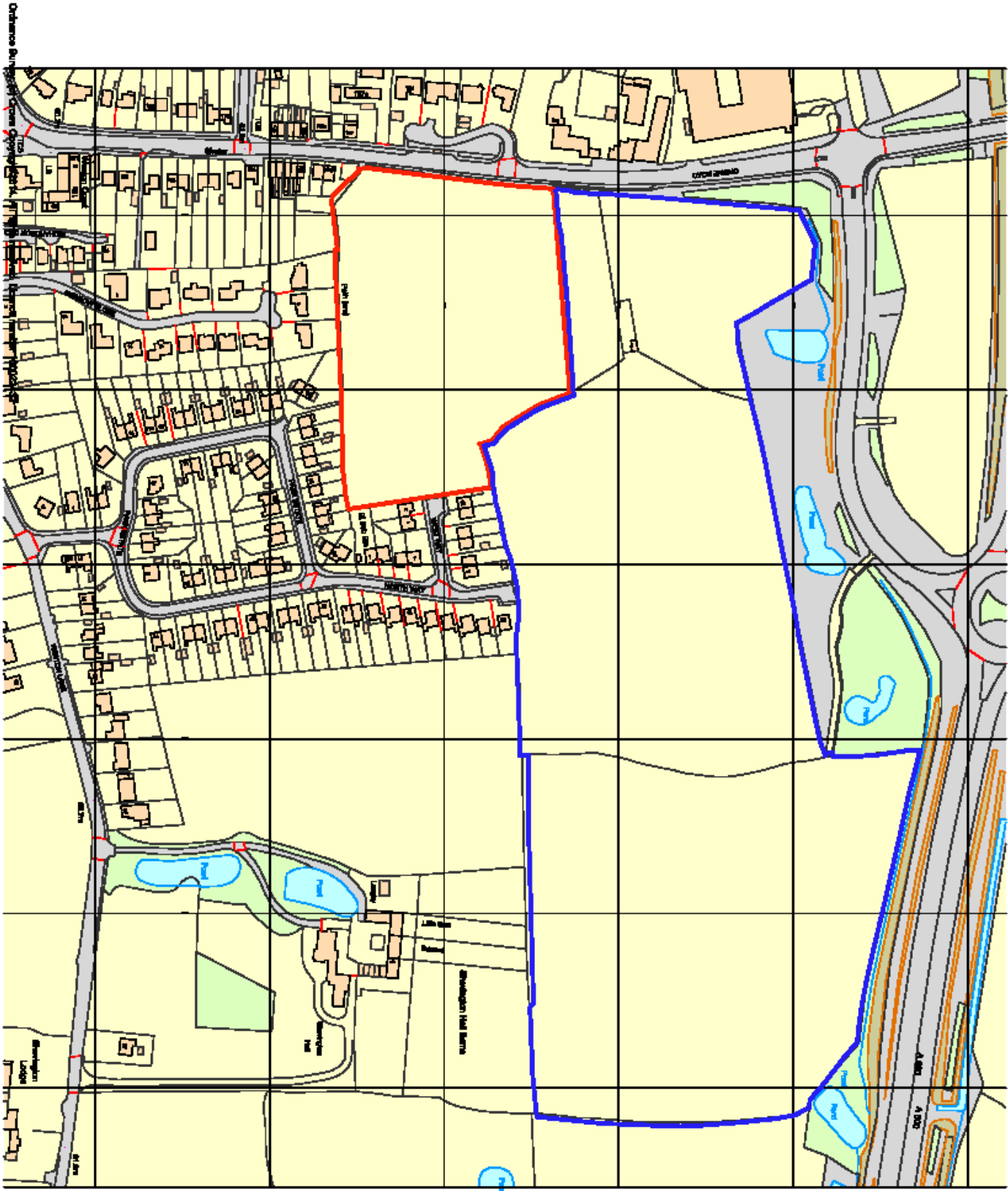
1. A scheme for the provision of 30% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:

- The numbers, type, tenure and location on the site of the affordable housing provision
- The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
- The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
- The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

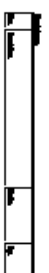
2. Provision of Public Open Space and a LEAP and a scheme of management in perpetuity







<p>Site Name: <b>Land Use of Town of York, Ontario, Canada (C13.134)</b></p>		<p>Site Location: <b>Site 1</b></p>	
<p>Project Name: <b>Land Use of Town of York, Ontario, Canada (C13.134)</b></p>	<p>Project Number: <b>22915</b></p>	<p>Project Date: <b>2023</b></p>	<p>Project Status: <b>1</b></p>
<p>Project Description: <b>Land Use of Town of York, Ontario, Canada (C13.134)</b></p>			





Application No: 14/2586N

Location: SHAVINGTON LODGE, WESTON LANE, SHAVINGTON CUM GRESTDY,  
CREWE, CHESHIRE, CW2 5AT

Proposal: Outline application, all matters reserved, for the development of 12 no.  
affordable residential dwellings on land off Weston Lane, adj Shavington  
Lodge, Shavington, Crewe, CW2 5AT

Applicant: Phillip Thompson

Expiry Date: 22-Aug-2014

**SUMMARY:**

The application seeks outline planning permission for an affordable 'rural exceptions' scheme for 12 dwellings. The site is outside of, but immediately adjacent to, the Shavington Settlement Boundary.

In accordance with the presumption in favour of sustainable development, planning permission should be granted for the development unless the adverse impacts of doing so would significantly and demonstrably outweigh any benefits.

The delivery of affordable housing will bring social and economic benefits which should be given weight in the assessment of the planning balance.

The benefits must be balanced against the environmental impacts of the proposal. In this case, the site forms part of the setting of two Grade II Listed Buildings, Shavington Lodge and Shavington Hall. The agricultural landscape surrounding these buildings is an integral part of the setting of these buildings. The proposal will erode and urbanise the immediate area and fail to preserve the setting of the Listed Buildings. Regard has been made to the recent appeal decision concerning residential development on land adjacent to Shavington Hall which was dismissed because of the harm resulting to the setting of the Hall and upon protected trees.

While this is an outline application, there is insufficient information to enable the impact of the proposal upon the area, including trees, hedges and Great Crested Newts, which are a European Protected Species to be properly assessed. There is limited information in terms of the access in terms of its safety. It is unclear whether the site comprises of Best and Most Versatile agricultural land (BMV).

The benefits of the development are not sufficient to significantly and demonstrably outweigh the harm identified by the development. The proposal would fail to protect and enhance the historic and natural environment and accordingly the application is recommended for refusal.

**RECOMMENDATION:**

**Refuse**

**PROPOSAL**

Outline planning permission is sought for the erection of 12 affordable dwellings on land to the west of Shavington Lodge, Weston Lane. All matters are reserved for future approval. A revised indicative site layout plan (Rev.5) has been provided with the proposal which shows 6 pairs of semi detached dwellings located behind an internal access road leading to Weston Lane. A new hedge is proposed to the southern boundary.

**SITE DESCRIPTION**

The application site is a roughly rectangular greenfield site which lies outside of the Shavington Settlement Boundary. The site is approximately 0.9 hectares in area and it is covered by a blanket Tree Preservation Order.

A mature hedgerow is located on the roadside frontage and there are several mature trees close to the frontage and within the site. To the east of the site lies Shavington Lodge, a Grade II listed building. The site is within the ownership of this property. To the west, the site abuts the side garden of 46 Weston Lane. To the north lies land associated with Shavington Hall together with a number of bungalows towards the western edge of the site. To the south, there are fields beyond.

**RELEVANT HISTORY**

No planning applications in relation to the application site.

14/5902T: Concerned works to trees at the site and this application was part approved and part refused on the 3 March 2015. Consent has been granted to fell a horse chestnut close to the proposed access and a Lime towards the western boundary of the site. Consent was refused to fell a further Horse Chestnut along the frontage.

Of interest is the appeal decision in relation to residential development to the west of Shavington Hall which is on the other side of the road, 12/3300N refers. The appeal for this development was dismissed on the 9<sup>th</sup> January 2015.

**NATIONAL & LOCAL POLICY**

**National Policy**

The National Planning Policy Framework (Framework) establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

- 14. Presumption in favour of sustainable development.
- 17. Core planning principles

32. Achieving a safe and suitable access  
50. Wide choice of quality homes  
55. Sustainable development in rural areas  
56-68 Requiring good design  
69-78. Promoting healthy communities  
109, 117 -120 Biodiversity  
126 – 136 Heritage Assets

### **Development Plan**

The Development Plan for this area is the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

The relevant Saved Policies are:

NE.2: Open Countryside  
NE.5 Nature Conservation and Habitats  
NE.9 Protected Species  
NE.12 Agricultural Land Quality  
BE.1 Amenity  
BE.2 Design Standards  
BE.3 Access and parking  
BE.9 Listed Buildings  
RES.5 Housing in open countryside  
RES.8 Affordable housing in rural areas outside settlement boundaries

Except for matters concerning housing supply, the saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG2 Settlement hierarchy  
PG5 Open countryside  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SC6 Rural exceptions housing for local needs  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE7 The historic environment

### **Supplementary Planning Documents:**

Interim Planning Statement Affordable Housing

Development on backland and gardens July 2008 (in relation to separation distances)

## CONSULTATIONS

**Highways:** Object to the proposal because of insufficient information and comment that a design proposal for the access should be provided. The visibility for the junction could be compromised by the bend in non-leading direction and third party land in the leading direction. Tracking details for refuse vehicles should be provided.

**Environmental Health:** No objections subject to conditions relating to pile foundations, hours of construction, travel planning, provision of electric vehicle charging point, dust control and and contaminated land.

**Housing:** No objections.

**Education:** No contribution is required.

**United Utilities:** No objections subject to conditions requiring details of surface water and foul drainage. UU note that there are public sewers crossing the site and they will not permit building over them. An access strip of 6m, 3m either side of the sewer will be required. A modification of the layout or a diversion of the sewer at the applicant's expense may be necessary.

**Shavington Parish Council:** The proposed development is located in open countryside outside of the settlement boundary. They raise concern that there is the potential for a crossroads effect to be created as this site is on the opposite side of Weston Lane to the David Wilson application for 50 dwellings. The need for affordable housing in Shavington is already more than adequately met within the existing large scale housing development approvals in Shavington.

## REPRESENTATIONS

Neighbour notification letters were sent to adjacent dwellings, a site notice erected and a press advert placed in the Crewe Chronicle.

16 letters of representation have been received objecting to the proposal on the following grounds:

### Information submitted

- Lack of information to enable a reasoned decision to be made;
- Lack of a design and access statement which is a requirement for a major housing application.
- The application lacks information about the impact of the development upon a Heritage asset.
- No information has been put forward on heads of terms or developer contributions.
- The application is contrary to Policy RES.8 as the applicant has not undertaken a survey to demonstrate that the housing will satisfy the specific need of people in local need.
- The applicant details that the site is in the SHLAA. However the site boundary is not consistent with site 2951 in the SHLAA. The SHLAA also details that this site was rejected previously by an Inspector.

- Concern that the supporting statement contains incorrect information regarding the distance to facilities.
- A tree survey has not been provided.

#### Environmental impacts

- The site is within the open countryside and the proposal is contrary to the Local Plan.
- The development will have an unacceptable impact upon the appearance of the area.
- Concerns with regards to the impact of the development upon protected species/ loss of habitat and a lack of information concerning protected species
- Concern over accuracy of the habitat survey as Badgers have been seen foraging on the field.
- The development would result in the villages of Shavington and Basford being joined;
- Impact upon the country setting of Shavington Lodge and Shavington Hall;
- The development will result in the loss of best and most versatile agricultural land
- The site is within the Green Gap.

#### Highway safety

- Adverse impact of the development upon highway safety. Inadequacy of the adjacent road due to its narrow width, close to a bend in the road and no footpaths on this side of the road.
- The applicant has not demonstrated a suitable highway proposal at this stage. The indicative layout shown in the application is contrary to the good design requirements of the NPPF and conflict with the character and design of the properties and street scene in the surrounding area.

#### Amenity

- Loss of privacy
- Noise and disturbance from the development

#### Other issues

- The Council can demonstrate a 5 year housing land supply and therefore permission should not be granted contrary to the development plan
- The development is a Greenfield site and brownfield sites should be considered first
- Lack of need for further housing/ affordable housing and local targets have been met.
- Lack of play provision on site and the nearest play area is over  $\frac{3}{4}$  a mile away.
- The development is at odds with the North West Sustainability checklist and the nearest secondary school is over one mile away.
- The affordable housing would not be integrated into the village and it would have a negative impact upon social cohesion.
- Concern over the cumulative impact of numerous developments.
- The site is opposite a development which has been refused by the Council.
- Land is prone to flooding.

## **APPRAISAL**

The key issues are:

- The principle of the development
- Housing land supply
- Need for a rural exceptions site
- The impact of the development upon the setting of listed buildings
- The impact of the development upon trees at the site
- Protected species
- The impact of the development upon the appearance of the area
- Highway safety considerations

### **Principle of Development**

The site lies outside of, but is immediately adjacent to, the Shavington Settlement Boundary. The site is therefore defined as open countryside in the Borough of Crewe and Nantwich Local Plan. In such areas, residential development has previously been strictly controlled and limited to certain forms of development. These include agricultural workers dwellings, rural affordable 'exceptions' sites and infilling.

The application seeks outline planning permission for a rural exceptions site as provided for by Policy RES.8 of the Local Plan. This policy allows for the provision of affordable housing in sustainable locations adjacent to existing settlement boundaries provided that it meets an identified local need. The policy is intended to allow the release of sites to meet local need which could not otherwise have been met through the provisions of the Local Plan. The policy basis for providing affordable housing on the edges of settlements through 'exceptions' policies is well established subject to certain criteria being met and the impacts of the proposal being considered acceptable.

### **Housing land supply**

It should be noted that the applicant's case for this proposal does not revolve around matters of housing land supply. However, it is acknowledged that Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the



period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

Where an authority is unable to demonstrate a 5 year housing land supply, the Framework advises that housing applications should be considered in the context of sustainable development.

There are benefits which will flow from delivering additional housing and in particular affordable housing and these factors are given weight in the assessment of the planning balance. The Framework details that where local plan policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh these benefits. The benefits and impacts of the proposal are assessed below.

## **SOCIAL SUSTAINABILITY**

### **Provision of an ‘exceptions’ site**

The application seeks to provide 100% affordable housing under the Council’s rural exceptions policy. No information is provided at this stage as to arrangements for delivery or the Registered Provider that would be involved.

Policy RES.8 details that the planning permission may be granted for the provision of affordable housing as an exception to Policy NE.2 (Open Countryside) where certain criteria are met:

*The housing will meet the needs of people previously shown to be in local need in a survey specifically undertaken for that purpose;*

While the applicant has not supplied a specific survey, the Council’s Strategic Housing Market Assessment Update 2013 (SHMA) identifies a requirement for 270 new affordable homes between 2013/14 – 2017/18 in the Wybunbury & Shavington sub-area.

This is made up of a requirement for 8 x 1 bed, 20 x 2 bed, 7 x 3 bed, 12 x 4+ bed and 1 x 1 bed older persons dwelling & 7 x 2+ older persons dwellings.

There are currently 52 applicants on the housing register with Cheshire Homechoice (which is the choice based lettings system for allocating social & affordable rented housing in Cheshire

East) who have selected Shavington as their first choice, these applicants require 27 x 1 bed, 18 x 2 bed and 7 x 3 bed properties.

To date, there has been delivery of 16 affordable housing units in the Wybunbury & Shavington sub-area within the 2013/14 – 2017/18 period of the SHMA Update 2013.

Concerns have been raised locally over the need for additional affordable homes in Shavington given the various housing developments which have received permission. However it is unlikely that these sites will deliver all of the target affordable homes within the SHMA plan period which runs between 2013-2018.

The Strategic Housing team have advised that they have no objections with regards to the development and have also confirmed that while there is anticipated delivery of over 270 affordable homes in Shavington and Wybunbury, they are unlikely to come forward in the 2013/14 – 2017/18 SHMA period.

In the event that the application is approved, the Strategic Housing Team has advised that the dwellings should be delivered as 65% affordable or social rented and 35% as intermediate tenure dwellings which is the tenure split identified in the Interim Planning Statement. Based on the proposal for up to 12 dwellings this equates to a requirement for 8 as social or affordable rent and 4 as intermediate tenure. A mixture of property types and sizes would be required to meet the need identified in the SHMA, this would include one bed properties for rent and some properties suitable for older people.

*The site is in a sustainable location immediately adjacent to an existing settlement boundary or, exceptionally, within or adjoining the built area of other rural settlements*

The application site is on the edge of a sustainable settlement which has a range of local facilities. It is noted that locational sustainability was not raised as an issue for the proposed housing site at Shavington Hall. In reaching a decision on the appeal, the Inspector detailed that the development would add to the supply of housing in an edge of settlement location which was not disputed to be sustainable in terms of access to facilities and services. Given that locational sustainability was not raised on this appeal decision as a material factor, it is considered that it would be difficult to raise this as an issue with regards to this proposal although it is acknowledged that the site is at the periphery of the village.

*The scale, layout and design of the scheme is appropriate to the character of the settlement.*

It is considered that there are a number of issues arising from this proposal in terms of its impact upon the area and these are discussed further below.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Impact on setting of Listed Building**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is given to the desirability of preserving a Listed Building or its setting. Policy BE.9 of the Local Plan which deals with extensions and alterations to listed buildings, also requires that proposals should not detract from the setting of a listed building.

The NPPF details at paragraph 132 that great weight should be given to the conservation of a heritage asset. Significance of the asset can be harmed or lost through development within its setting.

The applicant has provided a Heritage Statement post submission.

The site forms part of the setting to Shavington Lodge which is to the immediate east of the site and within the ownership of the applicant. The development also forms part of the setting to Shavington Hall which has a historic access opposite with attractive gateposts. Both buildings are Grade II listed.

While these buildings do not appear to be set within a formally designed landscape, the Hall and Lodge are surrounded by fields and set within an agricultural landscape. The effect of new houses at close proximity to the boundary of the Lodge and opposite the gateway and access track to the Hall is likely to erode the agricultural setting of the listed buildings. This view is underpinned by the findings contained within the appeal decision concerning residential development adjacent to Shavington Hall. Here the appeal Inspector detailed that the surrounding open fields and rural landscape were intrinsic to the setting of the listed building and that the development would significantly increase urbanisation close to the Hall. The presence of buildings in place of the open field would harm the setting of the building to an extent that would diminish its character. The Inspector found the proposal to be contrary to Policy BE.9 and national policy and gave significant weight to this in the assessment of the planning balance. It is considered that similar issues apply with regards to this proposal which lacks information and provides no assurance as to the quality of the likely development. The indicative plans present a suburban layout, pressing close to the boundary with the Lodge. It is considered that the development would urbanise the land immediately adjacent to the Lodge and opposite the access to the Hall and as a consequence the development would fail to preserve the setting of the listed buildings. The development would result in serious harm to the significance of a heritage asset and be contrary to Policy BE.9 and national policy in this regard.

### **Impact upon the appearance of the area/ open countryside**

Policy RES.8 (rural exceptions) and Policy BE.2 (design standards) detail that the scale, layout and design of the proposal should be appropriate to the character of the settlement.

It is acknowledged that the plans submitted are indicative only. However, the level of information provided on the scheme, given that it forms part of the setting of two listed buildings and is covered by a group Tree Preservation Order is considered to be limited. The plans show a linear arrangement of dwellings set behind an internal driveway. The layout is considered to be urban in form and it does not respond to the context of the site. The proposal is considered to lack information to enable the impact of the development upon the area to be fully assessed and in this regard, the development is considered to be contrary to Policies RES.8 and BE.2 together with advice contained within the Framework which advises that achieving good design is a key aspect of sustainable development.

### **Impact upon trees**

Policy NE.5 of the Local Plan details the need to ensure that proposals protect, conserve and enhance the natural conservation resource. The site is covered by the blanket Weston Lane, Shavington Tree Preservation Order which was served in 1979. There is also an individually protected tree T12, a Horse Chestnut on site. There is a group of off-site protected trees (Group G3) which are also affected by the proposals. Two trees on the frontage will be removed in order to create the access – these are in existing poor structural condition.

The application is accompanied by a Tree Survey and Tree Constraints Plan which have been reviewed by the Council's Forestry and Arboricultural Officer. There remains concern over the lack of detail with this application given that the site is subject to a Tree Preservation Order. A specification for the access has not been provided and therefore it is not clear how much of the roadside hedge will have to be removed to provide any required splays.

The Forestry and Arboricultural Officer has commented that while the revised layout (Rev.5) provides an indication of the broad location of the protected trees, it does not appear accurate. The tree survey and constraints plan has not been used as a means of informing the layout. There remain a number of issues to be resolved with regards to the internal access road which is shown as being a no-dig construction. Given the number of properties served, it is not clear whether such specification would meet highway requirements which could lead to further tree loss. The position of two of the dwellings on the indicative layout is in proximity to the retained trees. It is advised that while it may be possible to design a scheme that ensures an acceptable impact upon trees, the layout, access and plot positions require further consideration. As submitted the proposal is considered to lack sufficient detail to enable the impact of the proposals upon protected trees to be fully considered.

## **Ecology**

Policy NE.9 of the Local Plan details that development will not be permitted for proposals that have an adverse impact upon protected species. The Framework also details that if significant harm cannot be avoided, adequately mitigated or compensated for, planning permission should be refused.

The application was submitted with an extended Phase 1 Habitat Survey. Further reports have also been submitted post submission including a Great Crested Newt Impact Assessment, Botanical Survey, Bat Survey, Outline Great Crested Newt Method Statement. These have been considered by the Nature Conservation Officer.

### Great Crested Newts (GCN's)

There are no breeding ponds on site but there are 2 ponds located within 250m of the site boundary and the submitted survey details that the terrestrial habitat of the site provides opportunities for GCN's.

The Nature Conservation Officer has confirmed that in the absence of mitigation, the development is likely to have an adverse impact upon the favourable conservation status of GCN's. The applicant has submitted further mitigation details have been submitted but these are not considered to be sufficiently detailed to enable appropriate mitigation to be secured. The nature conservation officer has commented that sufficient efforts have not been made to date to compensate for the loss of territorial habitat or to address the impacts associated from isolation of habitats.

Brief proposals for the provision of compensatory habitat have been submitted but these seem to be to the south of the development. The development would therefore be located between the ponds and the compensatory habitat. The submitted strategy relies on newts being able to use existing hedgerows as a means of commuting through the site. The use of retained hedgerows which will be incorporated into gardens cannot be relied upon in terms of providing suitable habitat for great crested newts. Further work is needed to address GCN mitigation to show how connectivity can be maintained through the site and the proposals should be strengthened so that wildlife corridors of semi natural habitat are provided.

It is considered that the proposal lacks sufficient information to enable the impacts of the development upon GCN's to be properly assessed. The indicative plans for the development are basic in nature and in order to ensure that wildlife corridors and habitat are provided, a more detailed plan would be required. As submitted the proposal is considered to be contrary to Policy NE.5 and advice in the Framework as there is insufficient information to enable the impacts and any necessary mitigation to be assessed.

#### Bats and trees

No evidence of roosting bats has been recorded and the level of bat activity on site is low. No further action is therefore required in respect of bats.

#### Other Protected Species

Local residents have advised that other protected species have been seen on site and in the vicinity of the area. The survey does not point to the presence of any setts on site. No concerns have been raised by the Council's Nature Conservation Officer with regards to other protected species.

#### Hedgerows

Hedgerows are a Biodiversity Action Plan priority habitat and hence a material consideration. It is likely that the development of this site would result in the loss of hedgerows to facilitate access to the site. The Nature Conservation Officer advises that in the event that outline consent is granted it must be ensured that any loss of hedgerow is compensated for by means of additional native hedgerow planting at the detailed design stage.

#### Grassland Habitats

The grassland habitats on site have been described as being semi-improved in nature. Based upon the further botanical survey report the grasslands do not qualify as being a priority habitat and would not qualify for selection as a local wildlife site.

The grassland habitats on site are of relatively low value and do not present a significant constraint upon development. The grassland habitats support a small number of plant species which are characteristic of higher quality grasslands and so the development proposals may still result in an overall loss of biodiversity. If the application was to be recommended for

approval, it is suggested that a commuted sum of £5000 is secured to fund offsite habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.

#### Brown Hare

This may occur on site on an occasional basis, however the development is unlikely to have a significant adverse impact upon the conservation status of the species.

#### **Provision of a safe and suitable access**

The submitted indicative layout plan shows the potential point of access onto Weston Lane but lacks information as to its specification, need for visibility splays and any footways. While it is acknowledged that this application is submitted in outline with matters of access reserved for future approval, the Strategic Highways Manager has objected to the proposal because of the lack of information. Additionally there are concerns over visibility with the site being close to a bend in the road and the deliverability of any splays required. It is considered that it is not possible to fully assess the impact of the development upon matters of highway safety or fully appreciate the implications of the proposed access upon trees/ hedging on the basis of the information provided to date. The proposal is therefore contrary to Policy BE.1 and BE.3 together with guidance in the Framework.

#### **Impact on residential amenity**

Policy BE.1 of the Local Plan details that developments should not prejudice the amenity of adjacent dwellings by reason of overshadowing, overlooking, visual intrusion, noise and disturbance or odour or any other way.

The application is submitted in outline. It is considered that it would be possible to achieve a layout which met the Council's minimum separation distances and ensure that the development does not have an adverse impact upon the living conditions of adjacent dwellings at reserved matters stage. Issues relating to noise, dust and any piling of foundations could be mitigated via conditions.

#### **Flood Risk**

The site does not lie within an area at risk of fluvial flooding as shown on the Environment Agency flood risk maps. As the site is under 1ha in area no site specific flood risk assessment is required. It is likely that suitable drainage could be achieved by condition if permission was forthcoming.

#### **Inclusion of the site within the Strategic Housing Land Availability Assessment 2012**

Reference has been made to the inclusion of the site within the SHLAA. It should be noted inclusion within the SHLAA does not provide a guarantee as to the acceptability of the proposal – this can only be fully considered through the assessment of a planning application where the full impacts of the development can be understood.

#### **Loss of Best and Most Versatile Agricultural Land**

The agricultural land classification of the site unknown. To establish the agricultural grade, a survey of the site would have to be undertaken. On the basis of the information submitted, it is not possible to assess whether the proposal would result in the loss of best and most versatile agricultural land in accordance with Policy NE.12.

### **Lack of play facilities on site**

Concern has been raised over the lack of play provision on site. Policy RT.3 of the Local Plan seeks open space and play space provision on sites of over 20 dwellings or more. Therefore the requirements of this Policy would not apply to a development of this scale.

### **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **PLANNING BALANCE**

The application seeks outline planning permission for an affordable housing scheme under the Council's rural exceptions policy RES.8. It is acknowledged that the provision of housing to meet local needs should be given significant weight in the assessment of the planning balance. Further, the Council is currently unable to demonstrate a 5 year housing land supply which is another significant factor in the assessment.

Where housing policies are out of date, the presumption in favour of sustainable development applies at paragraph 14 of the Framework. This states that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole; or specific policies in the Framework indicate development should be restricted.

There are considered to be both social and economic benefits arising from this development arising from the delivery of housing. However the environmental impacts are considered to outweigh these benefits. The application is lacking in detail and there are concerns over the level of detail supplied to date in respect of protected trees and mitigation measures for Great Crested Newts to enable an informed decision to be made. There is a lack of information concerning the specification of any proposed access and it is not clear whether a safe access can be secured and the implications of this upon trees and hedging at the site.

The site lies within the setting of two listed buildings and the agricultural landscape around them forms an integral part of their character. While the submitted plans are indicative, they show a suburban linear form of development, pressing close to the boundary of Shavington Lodge. The development will urbanise the land immediately adjacent to the Lodge and opposite the entrance to the Hall. The proposal fails to preserve the setting of a listed building resulting in harm to a heritage asset contrary to Policy BE.9 and the Framework.

While the benefits of delivering additional dwellings is acknowledged, it is considered that the adverse impact of the development upon the setting of the listed buildings together with the

lack of information submitted with this application are considered to outweigh the benefits identified above in the assessment of the overall planning balance.

## **RECOMMENDATION**

The application is recommended for refusal for the following reasons:

1. The proposed development fails to preserve the settings of Shavington Lodge and Shavington Hall, which are Grade II listed buildings within proximity of the site. The application site forms part of the agricultural setting of these buildings. While submitted in outline, the indicative proposals contain limited information and it is likely that the development will erode and urbanise the setting of the listed. The development will result in serious harm to the significance of a heritage asset. The development is considered to be contrary to Policy BE.9 of the Borough of Crewe and Nantwich Local Plan 2011 together with paragraphs 126-136 of the National Planning Policy Framework.
2. Insufficient information has been submitted with the application to enable the full impacts of the development to be fully assessed. This includes a lack of information in terms of mitigating any loss of habitat for Great Crested Newts, inadequate details of in terms of achieving a safe access to the site and the implication of any layout and access upon protected trees and hedging at the site. The proposal is considered to be contrary to Policies NE.5, NE.9, BE.2, BE.3, RES.8 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and guidance contained within the National Planning Policy Framework.

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

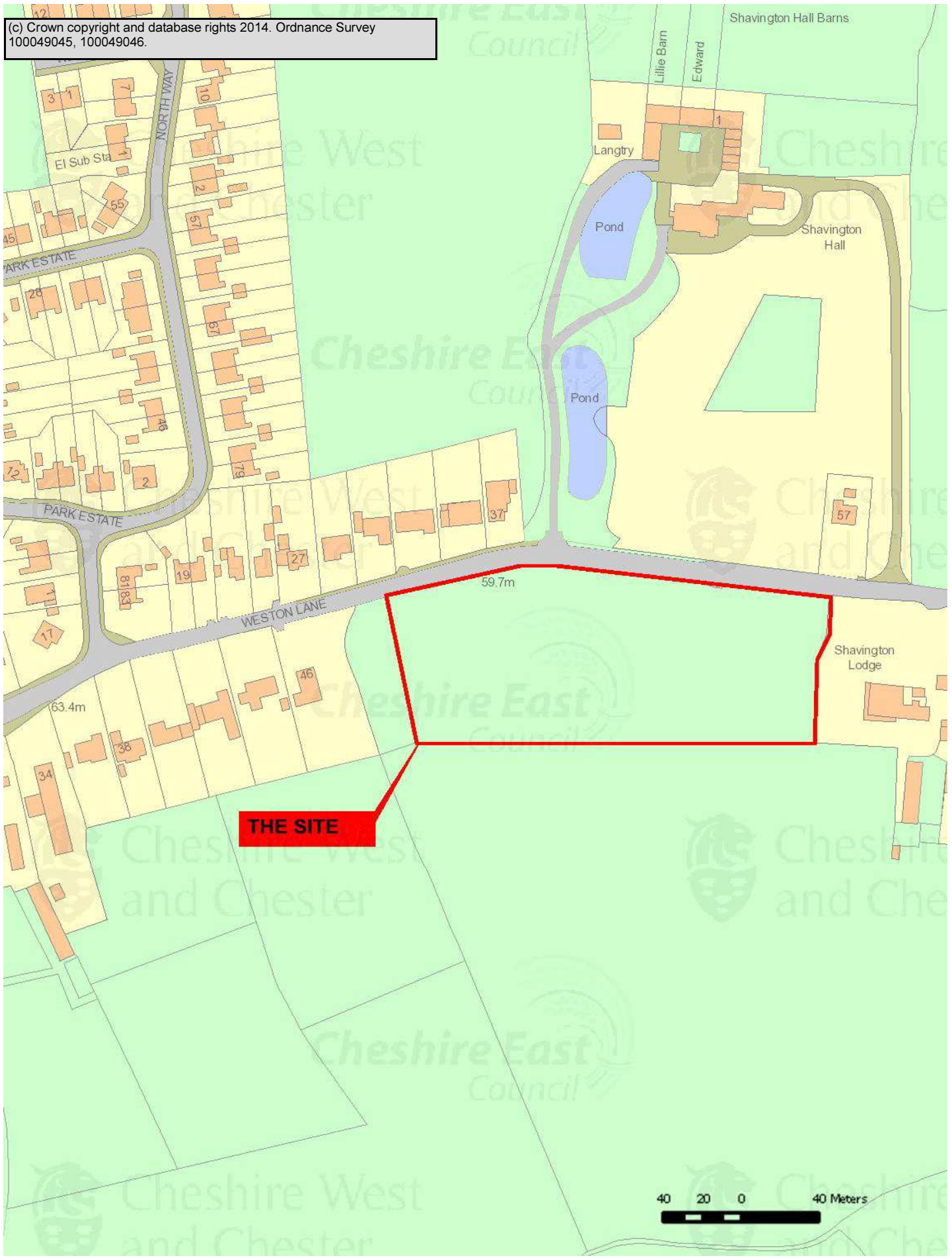
Should the application be subject to an appeal, the following Heads of Terms should be secured as part of any S106 Agreement:

1. A scheme for the provision of 100% affordable housing – 65% to be provided as social rent/affordable rent with 35% intermediate tenure. The scheme shall include:
  - The numbers, type, tenure and location on the site of the affordable housing provision
  - The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing
  - The arrangements for the transfer of the affordable housing to an affordable housing provider or the management of the affordable housing if no Registered Social Landlord is involved
  - The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.



**2. A contribution of £5000 to fund offsite habitat creation/enhancement potentially within the Meres and Mosses Nature Improvement Area.**

(c) Crown copyright and database rights 2014. Ordnance Survey 100049045, 100049046.



Application No: 14/5548C

Location: LAND OFF, DUNNOCKSFOLD ROAD, ALSAGER, CHESHIRE

Proposal: Erection of up to 88 dwellings and formation of access point

Applicant: P.E JONES (CONTRSCTORS) LTD

Expiry Date: 02-Mar-2015

**CONCLUSION:**

The principle of development has already been accepted as part of the outline approvals on this site.

Social Sustainability

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral as the only impact would be upon education and this would be mitigated through the provision of a contribution secured as part of the outline application.

In terms of the POS provision and the proposed NEAP this is considered to be acceptable.

Environmental Sustainability

Details of the proposed landscaping would be dealt with as part of a future reserved matters application.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

Economic Sustainability

The internal design of the highway layout/parking provision will be subject to an update report.

The development of the site would provide a number of economic benefits in the residential use of the site.

It is considered that the planning balance weighs in favour of this development.

**SUMMARY RECOMMENDATION:**

**APPROVE subject to conditions**

**PROPOSAL:**

This is a reserved matters application for 88 dwellings. The issues which are to be determined at this stage relate to the appearance, layout and scale of the development. Landscaping would be dealt with as part of a separate reserved matters application.

The access would be via a single priority junction off Dunnocksfold Road. The access was approved as part of the outline application.

The development would consist of 1 to 5 bedroom units including some apartments. All units would be 2 stories in height.

**SITE DESCRIPTION:**

This reserved matters application follows the approval of application 12/4146C which was allowed at appeal.

The site of the proposed development extends to 3.12 ha and is located to the north west of Alsager. The site is within open countryside. To the south and west is residential development. To the north is agricultural land. The former sports grounds of the MMU campus is located to the east of the site. A public footpath (Alsager No 3) runs to the north and east of the site.

The land is currently in agricultural use and there are a number of trees and hedgerow to the boundaries of the site.

**RELEVANT HISTORY:**

13/4627C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Withdrawn 18<sup>th</sup> January 2015

12/4146C - Outline Application for the Erection of up to 95 Dwellings and formation of access point into site to serve the development – Refused 22<sup>nd</sup> May 2013. Appeal Lodged. Appeal Allowed 14<sup>th</sup> July 2014

**POLICIES**

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Development Plan:**

The Development Plan for this area is the Congleton Borough Council First Review 2005, which allocates part of the site within the settlement boundary and part of the site within the open countryside.

The relevant Saved Policies are:

PS8 Open Countryside

GR21 Flood Prevention

NR4 Non-statutory sites

GR1 New Development

GR2 Design

GR3 Residential Development

GR5 Landscaping

GR9 Accessibility, servicing and provision of parking

GR14 Cycling Measures

GR15 Pedestrian Measures

GR16 Footpaths Bridleway and Cycleway Networks

GR17 Car parking

GR18 Traffic Generation

NR1 Trees and Woodland

NR3 Habitats

NR5 Habitats

H2 Provision of New Housing Development

H6 Residential Development in the Open countryside

H13 affordable Housing and low cost housing

E10 Re-use and redevelopment of existing employment sites

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG2 – Settlement Hierarchy

PG5 - Open Countryside

PG6 – Spatial Distribution of Development

SC4 – Residential Mix

SC5 – Affordable Homes

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE 5 - Trees, Hedgerows and Woodland  
SE 3 - Biodiversity and Geodiversity  
SE 13 - Flood Risk and Water Management  
SE 6 – Green Infrastructure  
IN1 – Infrastructure  
IN2 – Developer Contributions

**Other Considerations:**

The EC Habitats Directive 1992  
Conservation of Habitats & Species Regulations 2010  
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System  
Interim Planning Statement Affordable Housing

**CONSULTATIONS:**

**CEC Flood Risk Manager:** No objection.

**Environment Agency:** Refer to standing advice.

**Natural England:** No objection.

**CEC Strategic Housing Manager:** No objection.

**CEC PROW:** No objection. The developer is required to provide a specification of the PROW. An informative should be attached to the decision notice.

**CEC Strategic Highways Manager:** No comments received at the time of writing this report.

**CEC Countryside Access:** The PROW appears on the ground as a well-used footpath with a rural feel and forms part of a circular route that local residents will have devised and value as a facility. The development should therefore retain this link and ambience, for example by the accommodation of the footpath within a wide green corridor with natural surveillance from the fronts of houses. The width of this corridor would be required to be a minimum of 3 metres.

It is requested that the current stiles on the public footpath at each side of the site are removed or replaced with two-way gates to British Standards, depending on adjacent landowner stock management requirements.

In addition, logged under the Rights of Way Improvement Plan is a request from members of the public that this footpath be upgraded to a bridleway so that cyclists and horse riders can use it in addition to pedestrians.

Properties should have adequate and best practice cycle storage facilities and all highway designs should incorporate accessibility for cyclists.

**CEC Environmental Health:** Conditions suggested in relation to piling works, construction method statement, construction management plan, travel plan, electric vehicle charging, dust control and contaminated land.

**ANSA Open Space:** There is no information regarding the proposed play area i.e. a description of the type of equipment to be provided and the number of pieces of equipment, safety surfacing, fencing and street furniture.

Also management and maintenance regimes should be provided for both the Amenity Greenspace and Children's Play area

#### **VIEWS OF THE PARISH/TOWN COUNCIL:**

**Alsager Town Council:** Makes the following comments:

- That, written confirmation be sought from the Planning Authority that the access point to the proposed development as defined on the latest amended plan is as per the access point as defined in the appeal decision.
- That, the density of the proposed development remains too high.
- That, the proposed layout still lacks suitable landscaping to the Dunnockfold Road frontage in reducing the developments impact on the street scene.
- That, the affordable housing allocation within the site lacks appropriate pepper potting.

#### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and a site notice erected.

Letters of objection has been received from 14 households raising the following points:

##### Principal of development

- Greenfield sites should not be built on when there is brownfield land available
- Loss of agricultural land
- The development is contrary to the Cheshire East Local Plan
- No further housing development is needed
- Approving the application would jeopardise the development of the MMU site
- Alsager is not a sustainable location
- Intrusion into the open countryside
- Impact upon the semi-rural character of the area
- The development does not comply with the North-West Sustainability checklist
- The development is contrary to the NPPF
- Alsager has had more than its fair share of housing development
- Obstruction of the PROW which crosses the site
- The outline application was only approved due to the lack of a 5 year housing land supply

##### Highways

- Increased highways congestion

- Dunnocksfold Road is too narrow to serve this development
- Traffic problems at peak hours
- Speeding vehicles along Dunnocksfold Road
- Dunnocksfold Road is used as a rat run
- Pedestrian/cyclist safety
- Lack of traffic surveys in Alsager
- Poor visibility at the access point
- The access point is not the same as that which was approved at the appeal
- The access is located on a blind bend
- Cumulative highways impact

#### Infrastructure

- Local infrastructure cannot cope
- Local schools are full
- Local doctors do not have capacity

#### Amenity Issues

- Noise and dust pollution during the construction phase
- Loss of outlook
- Loss of privacy

#### Design issues

- The development is not in keeping with the locality
- The development should include provision for disabled residents
- Loss of hedgerow
- The development appear too dense
- The development does not provide housing to serve the elderly

### **APPRAISAL**

The principle of residential development has already been accepted following the approval of the outline application 12/4146C.

This application relates to the approval of the appearance, layout and scale of the development. Landscaping would be dealt with as part of a separate application.

#### **Affordable Housing**

The s106 agreement attached to the outline application details that an Affordable Housing Scheme should be submitted which includes an affordable housing provision of 30% which will comprise 65% affordable/social rented and 35% as intermediate tenure.

The agreement requires the Affordable Housing Scheme to be submitted as part of the reserved matters application. The applicant has submitted an accommodation schedule for the affordable housing on the submitted plans. The affordable housing mix comprises 4 x 1 bed apartments, 20 x 2 bed houses and 2 x 3 bed houses. This gives a total of 26 affordable units of which 17 would be rented and 9 would be intermediate tenure.



The house types and details are acceptable and the units are tenure blind. The number of affordable units and tenure split is correct. The amended distribution on the attached plan is acceptable with sufficient pepper-potting across the site.

The SHMA identified a net requirement for 54 affordable homes per annum for Alsager. This equates to a requirement for 38 x 2 bed, 15 x 3 bed and 2 x 4+ bed older persons accommodation. Information taken from Cheshire Homechoice and discussions with colleagues in Housing Allocations Team shows there is a high demand for 1 bed units (94 x 1 bed units).

The applicant has submitted an Affordable Housing Scheme which provides further detail in respect of the Affordable Housing. This has been considered by the Strategic Housing Manager has raised no objection to this development.

### **Highways Implications**

The access to this development and the wider traffic impact were approved as part of the outline application.

As part of this application a number of local residents and the Town Council have raised concerns that the access proposed as part of this reserved matters application is not in the same location as that approved as part of the outline application. However the case officer has checked the plans for the outline application and this reserved matters application and the access is located at the same point.

Some objections have also raised concern that there are 2 vehicular access points proposed as part of this application. This is not correct and the proposed plans only show 1 vehicular access point.

The comments of the Head of Strategic Infrastructure had not been received at the time of writing this report and an update will be provided in relation to the internal highways design as part of this application.

### **Amenity**

In this case the Congleton Borough SPG Note 2 requires the following separation distances:

21.3 metres between principal elevations

13.8 metres between a non-principal and principal elevations

In this case the separation distances proposed to the adjacent dwellings all exceed those set out within the SPG. The separation distances between principal elevations of the dwellings along the Dunnocksfold Road frontage range between 27 metres and 37 metres. The separation distance between non-principal and principal elevations is 24 metres. As such it is not considered that the proposed development would have a detrimental impact upon adjacent residential amenity through loss of light, privacy or overbearing impact.

To the west of the site is a detached dwelling known as Sunnyside Farm. The proposed dwelling at Plot 1 would have its rear elevation facing a non-principle side elevation at Sunnyside Farm. In this case the development would have a separation distance of 17.3 metres which meets the guidance within the Councils SPG.

### Light pollution

The concerns raised regarding light pollution have been noted and a condition could be attached to ensure that external lighting details are submitted to the Council for approval.

### Disturbance during the construction phase of the development

Conditions in relation to piling work and dust control will be attached to any approval. A condition in relation to the submission of a construction method statement is attached to the outline approval.

## **Trees and Hedgerows**

### Trees

The submission provides an updated arboricultural report, details of tree constraints, and proposed tree protection measures. This shows that all boundary trees would be retained as part of this development.

Although the layout has been amended, on plots 29 and 65 the social relationship between dwellings and retained trees is not ideal with limited separation and encroachment into root protection areas for construction works. However the planning conditions attached to the outline consent would secure the retention and protection of the trees as part of this development.

### Hedgerows

The boundary hedgerows would be retained as part of the proposed development apart from at the point of access. Compensatory planting should be provided to compensate for any losses and this will be considered as part of the reserved matters application for the landscaping of the site.

## **Landscape**

The impact of residential development upon the open countryside and landscape was considered as part of the outline application where the Inspector found that the planning benefits outweighed the harm caused by this development and that the development constituted sustainable development.

The detailed landscape design is a reserved matter and will be determined at a later date.

## **Design**

The application is a Reserved Matters application with details of scale, layout and appearance to be determined at this stage. Landscaping would be reserved for determination as part of a future application.

The importance of securing high quality design is specified within the NPPF and paragraph 61 states that:

*“Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.”*

The positive and externally orientated perimeter blocks are welcomed with all areas of open space, footpaths and highways well overlooked by the proposed dwellings. The density of 28 dwellings per hectare is appropriate due to the urban fringe location of the site.

The height of the proposed development would be two-storey which is consistent with the surrounding dwellings in this part of Alsager.

The layout plan includes centrally located open space and play area. The residential properties would be orientated so that the areas of open space would be well overlooked and the boundary treatments to rear gardens are obscured from view.

The existing hedge lines and tree would be retained as the basis for the landscape infrastructure and the detailed landscaping of the site would be determined at a later date.

In terms of the detailed design the proposed dwellings include canopies, bay windows, sill and lintel details. The design of the proposed dwellings and their scale is considered to be acceptable and would not detract from this part of Alsager.

## **Ecology**

### **Bats**

The mature trees on site are shown as being retained as part of the proposed development and as such it is not considered that this development would have a detrimental impact upon bats.

### **Other Protected Species**

An updated survey has been undertaken and submitted for other protected species. A number of setts are present around the site boundaries. The precise impacts on this protected species and the exact specification for the level of mitigation required would depend upon the detailed design produced as part of the landscape proposals at a future reserved matters stage. However it is likely that some of the existing sett entrances would require closure under the terms of a Natural England license to allow the development to proceed lawfully. Other setts entrances could be retained and works could be undertaken in such a manner as to minimise impacts. Based upon the submitted survey and outline mitigation strategy submitted the Council's Ecologist is satisfied that the potential impacts of the development on badgers could be dealt with appropriately.

If planning consent is granted a condition should be attached requiring any future reserved matters application to be supported by an updated survey and mitigation strategy. The submitted strategy should include proposals for the provision of badger buffers zones and corridors around the site boundary.

## **Public Open Space**

The site layout shows that an area of POS would be provided centrally within the site. The Open Space Officer stated at the outline stage that if the development was approved there would be a deficiency in the quantity of provision and the requirement for the site is 2,280sq.m. This area is provided within the application site.

In terms of children's play space, the Public Open Space Officer has requested the provision of a 5 piece LEAP. This would be provided centrally and details will be provided as part of the future reserved matters application for landscaping of the site.

The open space and LEAP on site would be managed by a management company and this is secured as part of a S106 Agreement.

### **Education**

This issue was dealt with as part of the outline application where a contribution of £173,540 was secured as part of the S106 Agreement.

### **PROW**

A public footpath (Alsager No 3) runs to the north and east of the site. This PROW would be retained through the site and as such there is no objection in relation to the impact of the PROW. It should also be noted that the S106 Agreement includes a contribution to replace stiles on the PROW.

### **Flood Risk and Drainage**

The application site is located within Flood Zone 1 according to the Environment Agency Flood Maps. This defines that the land has less than 1 in 1000 annual probability of flooding and all uses of land are appropriate in this location.

The Councils Flood Risk Manager has considered this application and has raised no objection to this development.

It should also be noted that conditions to secure a scheme for surface water run-off and a scheme to manage the risk of flooding from overland flow were attached to the outline permission.

### **PLANNING BALANCE**

The principle of development has already been accepted as part of the outline approvals on this site.

### **Social Sustainability**

The development will not have a detrimental impact upon residential amenity, it would provide benefits in terms of much needed affordable housing provision and would help in the Councils delivery of 5 year housing land supply.

The impact upon infrastructure would be neutral as the only impact would be upon education and this would be mitigated through the provision of a contribution secured as part of the outline application.

In terms of the POS provision and the proposed NEAP this is considered to be acceptable.

#### Environmental Sustainability

Details of the proposed landscaping would be dealt with as part of a future reserved matters application.

With regard to ecological impacts, the impact is considered to be neutral as mitigation would be secured.

The drainage/flood risk implications for this proposed development are considered to be acceptable.

Although there are some tree conflicts on this site, the trees in question are not subject to TPO protection. It is considered that subject to the imposition of planning conditions that the development is acceptable in terms of its impact upon trees on this site.

The proposed access point is acceptable and the traffic impact as part of this development has already been accepted.

#### Economic Sustainability

The internal design of the highway layout/parking provision will be subject to an update report.

The development of the site would provide a number of economic benefits in the residential use of the site.

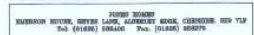
It is considered that the planning balance weighs in favour of this development.

#### **RECOMMENDATION:**

**APPROVE subject to the following conditions**

- 1. Approved Plans**
- 2. Materials to be submitted and approved**
- 3. The future reserved matters application to include an updated Badger Survey**
- 4. Implementation of the tree and hedge protection measures as proposed**
- 5. Submission of contact details for the appointed supervising arboricultural consultant and key site personnel.**
- 6. Adherence to the submitted Arboricultural method statement**
- 7. Service routes to be submitted and agreed in writing**
- 8. Bin and cycle storage details for the apartments**
- 9. Dust control measures**
- 10. Restriction to the hours of piling works**

**In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**



This page is intentionally left blank



Application No: 15/1123C

Location: Somerford Park Farm, Holmes Chapel Road, Somerford, Congleton, Cheshire, CW12 4SW

Proposal: Retrospective application for retention of a new stable building with ancillary grooms accommodation (resubmission 14/4518C)

Applicant: Simon King

Expiry Date: 05-Jun-2015

**SUMMARY:**

It is considered that the principle of the proposed development is not acceptable as the proposal has a harmful impact upon the character of the existing countryside and landscape and is therefore contrary with Local Plan Policies PS8, GR1, GR2, GR4, E5, RC5 and PG5 of the development plan as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF. The proposed use of the site is likely to have a minimal impact upon matters relating to highway safety, residential amenity or ecology and therefore the scheme is acceptable in this regard. However, these considerations are insufficient to outweigh the visual harm of the proposals. A recommendation for refusal is made.

**RECOMMENDATION:**

REFUSE

**PROPOSAL:**

This application seeks full planning permission for the retention of a new stable building with ancillary groom's accommodation at Somerford Park Farm, Holmes Chapel Road, Somerford. This application proposes some amendments to the previously refused scheme referenced 14/4518C that is currently subject of an appeal. The proposed changes would comprise of:

- Removal of the projection on the southeast facing elevation
- Painting the roof a darker colour
- A landscaping scheme

**SITE DESCRIPTION:**

This application relates to the existing, large equestrian facility, situated on the north eastern side of Holmes Chapel Road, Somerford. The land is designated in the local plan as being within the Open Countryside. There are residential properties to the west and open countryside to all other directions.

This is an extensive equestrian facility that attracts many visitors to the area. Full planning permission was granted under planning ref; 12/2794C for the erection of a veterinary building. The building has been erected; however, the construction is larger than that shown on the approved plans. Additionally, it is now proposed that the building be used for stables and grooms accommodation rather than as a veterinary practice as originally envisaged.

#### **RELEVANT HISTORY:**

Somerford Park Farm has an extensive planning history; however, the most recent and relevant are:

14/4518C - Retrospective application for retention of a new stable building with ancillary groom's accommodation – Refused 18-Dec-2014 – Appeal in progress

14/1118C - Erection of a stable block comprising 20 no. stables with tack / feed / wash / store areas; bulk straw and chipping storage and a muck room – Approved 23-Apr-2014

12/2794C - Erection of veterinary building – Approved 12-Oct-2012

11/0561C - Erection of a Satellite Stable Block Comprising 20no. Stables with Tack / Feed / Wash / Store Areas; Bulk Straw and Chipping Storage and a Muck Room – Approved 28-Jul-2011

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17 and 28.

##### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

PS8 Open Countryside  
GR1 New Development  
GR2 Design  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
RC5 Equestrian Facilities

NR1 Trees

E5 Employment Development in the Open Countryside

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 Open Countryside

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 4 The Landscape

EG 1 Economic Prosperity

**CONSULTATIONS:**

**Highways:**

No objection

**Environmental Protection:**

No objection subject to an informative relating to contaminated land.

**Natural England:**

No objection

**PARISH COUNCIL:**

**Somerford Parish Council: No objection** - The applicant has explained that the original application was for an equine hospital and unfortunately the proposer retracted the offer to be on site therefore he was left with the building. There was the opportunity for two customers to utilise the buildings for stables. This has now been constructed, although higher than the original plan to make the best use of the asset by the owner.

We do have to acknowledge that the applicant has contravened planning rules but after consulting two of the immediate neighbours they are not disturbed or aggravated by the change in height.

The establishment is a great asset to the Parish and probably for many surrounding miles; it does create a vibrant economic hub for Somerford.

The Parish feels it has to support this local business.

**REPRESENTATIONS:**

Representations have been received from 21 addresses all in support of this proposal. The reasons for supporting the scheme are summarised as follows:

- Building is in keeping with the other buildings in the area, is well set-back and not intrusive
- Site provides social and economic development along with valuable leisure and recreational facilities and support to local voluntary charitable organisations
- Building easily disguised by tall trees & other landscaping
- Equestrian centre is recognised internally and nationally for its excellence
- Contributes to the local rural economy
- Site provides local jobs and employment opportunities
- Building is required to keep the business growing
- Visual appearance of the barn is smart, tidy and conventional
- Ample parking and access good
- No impact on neighbouring amenity
- The recent housing developments are more visually intrusive
- 

**MP Fiona Bruce** has also written in support of this application. She has commented that the operations employ approximately 60 people (10 in the proposed building) and is therefore a very important business in the area. Further, the impact on the countryside of the light coloured roof is less significant than the recent housing developments in the area.

#### **APPRAISAL:**

The key issues are:

- Principle of the development
- Design, Siting and Scale
- Amenity
- Highways & Parking
- Ecology

#### **Principle of Development**

The site is designated as being within the Open Countryside, where Local Plan Policy PS8 states that development involving facilities for outdoor sport, recreation are acceptable in principle provided that they preserve the openness of the countryside.

Local Plan Policy RC5 deals specifically with proposals for equestrian facilities and states that proposals will be acceptable where they do not adversely affect; ecology; landscape; agricultural land; amenity and provide adequate parking provision and is linked to the bridleway network.

Local Policy E5 allows for the expansion or redevelopment of an existing business, appropriate to a rural area or essential for the continuation of operations which are already on site where there are no suitable existing buildings which could be re-used.

The existing operation is a commercial operation and employs over 35 full time equivalent staff. Whilst a building in this location has previously been accepted as being appropriate in this rural area, it was for much lower building (in terms of its overall height) and therefore the size and scale was much reduced. The building as erected is much more intrusive and it is considered that it does not preserve the openness of the countryside or respect the landscape. This will be explored below.

Additionally, the building was to be used for veterinary purposes and not for stabling or groom's day accommodation which is the use proposed as part of this application. It is important to note that in recent years, the enterprise at Somerford Park Farm has already benefitted from permission to create a number of stables. It is considered that the need for such stabling is not necessary and could be accommodated by the proposal which granted planning permission for the erection of 20. no stables and received approval under planning ref; 14/1118C. As such, the proposal is considered to be at variance with Local Plan Policies PS8, RC5 and E5.

### **Design, Siting and Scale**

The existing building is of portal framed construction and the general design and style is one that has been found to be acceptable in the vicinity. However, the building occupies a prominent position where it is clearly visible from Holmes Chapel Road. The most significant public views are obtained when approaching the site from the east with the large expanse of light coloured roof prominent. Whilst the approved building would also have been visible, the impact would have been much less owing to its lower height and therefore reduced scale.

This proposal would see the removal of the existing projection along the northeast facing elevation (the elevation visible when travelling along Holmes Chapel Road. The right hand side of the building steps further forward and consequently the eaves and the roof continue down to a lower level than the remaining building. This application proposes to remove this section of the building which would 'square-off' the footprint. The applicant contends that this would reduce the expanse of roof thereby reducing the visual impact.

In terms of dimensions, the difference between the approved vets building, the refused scheme and the one subject of this application are as follows:

	Approved vets building	Constructed stable building	Proposed stable building	Difference between approved and proposed
<b>Eaves height</b>	3.5m	4.08m	4.08m north elevation 5.35 south elevation	+0.58m to +1.27m
<b>Ridge height</b>	6.42m	8.12m	8.12m	+1.72m
<b>Roof pitch</b>	14 degrees	12.5 degrees	12.5 degrees	
<b>Width</b>	23m	Western half – 36m Eastern half – 24m	Western half – 30m Eastern half – 24 m	+1m to +7m
<b>Length</b>	46.1m	48m	48m	+1.9m

Coupled with the amendments to the building, it is also proposed to paint the roof a darker colour in order to allow it to blend more against the landscape. Subject to an appropriate shade, this would allow the roof to blend in more sympathetically; however, such benefits would not be sufficient to outweigh the impacts of the scale and height. Further, the LPA would need to be sure that treatment of the large area concerned is feasible, the treatment durable and able to be maintained in perpetuity.

It is also proposed to provide mitigation planting and a landscape mound. The proposed mound and associated planting would reduce the visibility of the development when viewed from the south and east with the mound providing immediate impact. Nevertheless, the topography in this vicinity is generally flat and in such setting, the introduction of mounding of the height and scale proposed and landscaping would appear stark.

As such, despite the proposed amendments, the proposal fails to recognise or respect the intrinsic character and beauty of the countryside and is therefore contrary to the advice within the NPPG (para 17) as well as the relevant local plan policies.

### **Amenity**

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The proposed building is sited be in excess of 40 metres distance away from the nearest residential property to the south, referred to as 'The Woodlands'. Owing to this distance, the proposal would not materially harm this neighbour's residential amenity by reason of loss of light, visual intrusion or direct overlooking.

Further, having regard to existing equestrian operations at the site, use of the building would not give rise to harm with regard to noise. The Council's Environmental Protection department

has assessed the application and has offered no objection to the proposal. As such, it is not considered that there would be any adverse impacts on residential amenity.

### **Highways & Parking**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The proposal would not lead to any loss of parking spaces and there would be no alteration to the existing access. There would be an adequate level of parking provision within the site and the wider equestrian complex. In the absence of any objection from the Strategic Highways and Transportation manager, the proposal is therefore considered to be in compliance with Policy GR9 of the adopted local plan.

### **Ecology**

The original application (ref; 12/2794C) was supported by an extended phase one habitat survey that was undertaken by a suitably qualified and experienced ecological consultant. Given that the previous proposal was found to be acceptable in this regard and given that the building has already been erected, it is not considered that the proposal would materially harm species protected by law. This has been confirmed by the Council's Nature Conservation Officer.

The River Dane Site of Special Scientific Interest (SSSI) is nearby the site; however, Natural England does not consider that the development would have any adverse impact on the SSSI. The proposal is therefore considered to be acceptable in ecological terms.

### **Planning Balance**

The proposal is contrary to development plan policies PS8, GR1, GR2, GR5, RC5 and E5 of the adopted Congleton Borough Local Plan First Review 2005 as well as Policies PG5 and SD2 of the emerging Cheshire East Local Plan Strategy and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

It is considered that any social and economic benefits derived from this proposal are not sufficient to outweigh the environmental harm in terms of the visual impact of the proposals. Accordingly, the proposal would not amount to a sustainable form of development.

### **RECOMMENDATION**

**REFUSE for the following reason:**

- 1. The scale, height and massing of the development results in a building which detracts from the openness of the countryside and has an adverse impact on the landscape and the character of the area. It is therefore contrary to the Local Plan Policies PS8, GR1, GR2, GR5, RC5 and E5 of the adopted Congleton Borough Local Plan First Review 2005 as well as Policies PG5 and SD2 of the emerging**

**Cheshire East Local Plan Strategy – Submission Version and advice within the NPPF.**



(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

Application No: 14/5925C

Location: FORMER TEST TRACK SITE, FORMER FODEN FACTORY SITE, MOSS LANE, SANDBACH, CHESHIRE

Proposal: Replan and substitution of housetypes on plots 41-47, 82 and 100-102 of extant planning permission 12/0009C.

Applicant: Sean McBride, Persimmon Homes (North West)

Expiry Date: 06-Apr-2015

**SUMMARY**

The principle of development is acceptable and the minor amendments proposed as part of this application will not have any significant amenity, design or ecology implications.

**RECOMMENDATION**

**Approve subject to conditions and a deed of variation**

**PROPOSAL**

12/0009C is a full planning application for a residential development of the former Foden Test Track site. The development would comprise 120 dwellings at a density of 40 dwellings per hectare. The proposed dwellings consist of 102 two and two and a half storey dwellings and 18 apartments in 2 three-storey blocks. The housing mix is as follows;

1 bed apartment – 6 units  
2 bed apartment – 12 units  
3 bed homes – 61 units  
4 bed homes – 41 units **(Total 120 units)**

One vehicular access point will serve the site and this will be taken from Moss Lane.

The Public Open space is situated centrally within the site. A footpath/cycleway is to be provided which will create a link through the Canal Fields site, the Test Track site and the Factory Site.

This application relates to the following amendments:

Plot 41 change from Cherryburn (4 bed house type) to Moseley house type (3 bed house type). Detached garage changed from a double garage to a single garage

Plot 42 change from Hanbury (3 bed house type) to Moseley house type (3 bed house type)

Plot 43 change from Hanbury (3 bed house type) to Moseley house type (3 bed house type)

Plot 44-47 change from two pairs of semi-detached of Souter house types to a terrace of four Souter house types (3 bed house type)

Plot 82 change from Barrington (4 bed house type) to Cherryburn (4 bed house type) house type

Plot 100 Roseberry house type handed

Plot 101 Alteration to parking area to the front of the dwelling

Plot 102 Alteration to parking area to the front of the dwelling

## **SITE DESCRIPTION**

The application relates to a small parcel of land on a wider 3.04ha development site, within the Sandbach Settlement Boundary. The site is bound by Moss Lane to the north, the Crewe-Manchester Railway line to the east, the Trent and Mersey Canal to the west and the Canal Fields site to the south. To the north of the site is the former factory site.

The site is relatively open and is currently undergoing redevelopment following the approval of application 12/0009C.

## **PLANNING HISTORY**

14/0333C - Substitution of house types on plots 31-34 of extant planning permission 12/0009C – Application undetermined

12/0009C - Residential Development Comprising 120 Dwellings, Access, Public Open Space and Associated Landscaping – Approved 28<sup>th</sup> August 2013

10/4660C – Site preparation, bulk earthworks and infilling operations to enable the future development of the sites for residential led purposes – Approved 9<sup>th</sup> February 2012

07/0912/OUT – Outline planning application for the redevelopment of the above site for residential development (between 142 and 149 dwellings) – Approved 11<sup>th</sup> March 2009

## **PLANNING POLICIES**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68. Requiring good design

### **Local Plan Policy**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005, which identifies that the site is within the Sandbach Settlement Zone Line.

GR1 New Development

GR2 Design

GR3 Residential Development  
GR4 Landscaping  
GR5 Landscaping  
GR6 Amenity and Health  
GR9 Accessibility, servicing and provision of parking  
GR14 Cycling Measures  
GR15 Pedestrian Measures  
GR17 Car parking  
GR18 Traffic Generation  
GR 22 Open Space Provision  
NR1 Trees and Woodland  
NR3 Habitats  
H2 Provision of New Housing Development  
H6 Residential Development in the Open countryside  
H13 Affordable Housing and Low Cost Housing  
DP1 Employment Allocation  
BH8 Conservation Areas  
BH9 Conservation Areas

### **Cheshire East Local Plan Strategy – Submission Version**

PG2 – Settlement Hierarchy  
PG6 – Spatial Distribution of Development  
SC4 – Residential Mix  
SC5 – Affordable Homes  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
C01 – Sustainable Travel and Transport  
C04 – Travel Plans and Transport Assessments  
SE3 – Biodiversity and Geodiversity  
SE5 – Trees, Hedgerows and Woodland  
SE 1 - Design  
SE 2 - Efficient Use of Land  
SE 4 - The Landscape  
SE8 - Renewable and Low Carbon Energy  
SE9 - Energy Efficient Development  
SE 6 – Green Infrastructure  
IN1 - Infrastructure  
IN2 – Developer Contributions

### **CONSULTEES**

**CEC Strategic Housing Manager:** No objection.

**CEC Head of Strategic Infrastructure:** No objection

**CEC PROW:** The development does not affect a PROW.

**Network Rail:** No comments to make.

**Natural England:** Statutory sites – No objection. For advice on protected species refer to the standing advice.

**Environment Agency:** No objection

**Cheshire brine Subsidence Compensation Update:** No objections to the substitution of the house types as long as the foundation designs remain as previously approved.

**Canals and Rivers Trust:** No comments to make.

**CEC Environmental Health:** Condition suggested in relation to contaminated land.

#### **VIEWS OF TOWN/PARISH COUNCIL**

**Sandbach Town Council:** No objection

#### **REPRESENTATIONS**

No representations received.

#### **OFFICER APPRAISAL**

##### **Principal of Development**

The principal of residential development has already been accepted on this site following the approval of application 12/0009C and construction works are now underway.

##### **Amenity**

There are no existing dwellings in close proximity to the site. The substitution of house types would have no greater impact upon the adjoining dwellings on the approved scheme or the Bellway development directly to the south of the site. This is due to the orientation of the dwellings on the approved Bellway scheme and the separation distances involved.

##### **Ecology**

###### **Sandbach Flashes Site of Special Scientific Interest (SSSI)**

Sandbach Flashes is a site of physiographical and biological importance. It consists of a series of pools formed as a result of subsidence due to the solution of underlying salt deposits. The water varies from freshwater, chemically similar to other Cheshire meres, to highly saline. Inland saline habitats are extremely rare and are of considerable interest because of the unusual associations of plants and animals. Most of the flashes are surrounded by semi-improved or improved grassland. Fodens Flash is partly surrounded by an important area of wet woodland.

As well as the physiographical and biological interests of the flashes, the SSSI is notified for both its breeding bird assemblage and for its aggregations of non-breeding birds specifically

Curlew, Lapwing, Snipe, Teal and Widgeon. The site is also notified for its geological features resultant of the solution of underlying salt deposits.

In terms of the impact upon the SSSI, Natural England has been consulted and has advised that the proposed development would not materially or significantly affect the SSSI. The proposed development is therefore considered to be acceptable in terms of its impact upon the SSSI.

### Protected Species

The application for substation of house types will not impact upon protected species.

### **Design**

The layout would be very similar to the approved scheme with the position of the access point, location of the public open space, internal access roads and location of the affordable housing all remaining unchanged.

The changes relate to amendments to the design of the approved house types with changes to the elevational design and the position of fenestration. The changes in house types would be consistent with those which have been approved on this site.

These minor changes would still respect the character and appearance of the area and would comply with Policy GR2 (Design) of the Congleton Borough Local Plan First Review 2005.

### **Landscape**

The amended layout involves a rear access footpath arrangement and a gabion retaining wall to the south of plots 41-47 where the site adjoins a water course. Additional plans have been requested in relation to how this would appear and an update will be provided in relation to this issue.

### **Highways**

The amendments proposed as part of this application would not have any greater highways impact and this view is supported by the Councils Head of Strategic Infrastructure who has raised no objection to this application.

### **Ground Conditions**

A consultation response has been received from the Cheshire Brine Board this will be incorporated as an informative on the decision notice.

### **CIL Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of a contribution towards the highway works is required to help mitigate against the highways impact of the development. The proposed development cannot proceed without these improvements and the contribution is reasonably related in scale and kind to the development.

The development would result in increased pressures on local schools which are already at capacity. The contribution is required to increase the capacity of local schools which would serve this development. This is considered to be necessary and fair and reasonable in relation to the development.

The proposed foot/cycle bridge would provide a sustainable link between this site and the Canal Fields site and would enable a sustainable link to Sandbach Train Station. The provision of this link would allow the three sites to link together and encourage sustainable modes of transport. This is considered to be necessary and fair and reasonable in relation to the development.

As explained within the main report, POS is a requirement of the Interim Planning Policy; it is directly related to the development and is fair and reasonable.

On this basis the S106 recommendation is compliant with the CIL Regulations 2010.

## **CONCLUSIONS**

The principle of development is acceptable and these minor amendments will not have any significant amenity, design or ecology implications.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions and the satisfactory completion of a deed of variation to the S106 Agreement comprising;

### **Heads of terms**

- A provision of 10% affordable housing (12 units) all of which are to be provided as Affordable Rent or Social Rent
- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough
- A contribution towards local education provision of £120,000
- The provision of a Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management (the scheme of management shall include the bridge link)
- A provision of a foot/cycle bridge or a contribution to provide a foot/cycle bridge and secure the landing and access rights for any foot/cycle bridge and/or footpath and from the adjacent Canal Fields site
- An Interim Residential travel plan in accordance with DfT guidance document

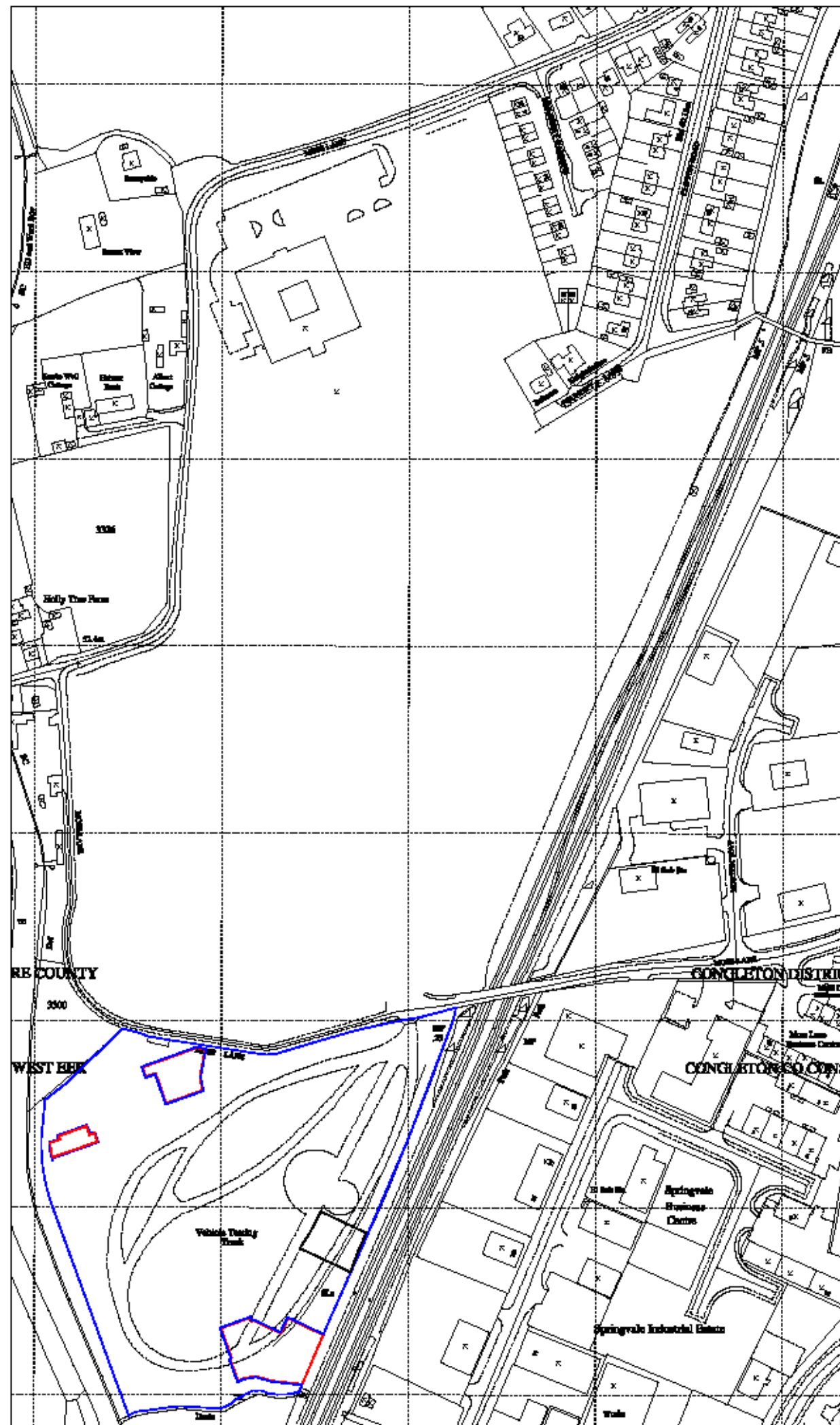


- A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders (£44,000)

**Conditions;**

1. Standard time – 3 years
2. Materials as application
3. Submission of a landscaping scheme to be approved in writing by the LPA
4. Implementation of the approved landscaping scheme
5. Boundary treatment details to be submitted to the LPA and approved in writing
6. Remove PD Rights for extensions and alterations to the approved dwellings
7. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
8. The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by, the Local Planning Authority.
9. The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to, and approved in writing by, the Local Planning Authority.
10. Acoustic mitigation measures to be submitted and agreed
11. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
12. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
13. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
14. Completion of the proposed off-site highway works
15. Approved Plans
16. Brine Board
17. Ground Levels

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



**PERSIMMON**

Perthshire Homes (North West)  
30-34 Crofts Park Road  
Luton, Bedfordshire  
MK4 0LH

Tel: 01581 746 3737 Fax: 01581 746 3272

SITE

**FODEN TEST TRACK  
SANDBACH**

TITLE

**LOCATION PLAN**

Application No: 15/1248C

Location: Land adjacent to, 96, MACCLESFIELD ROAD, HOLMES CHAPEL, CHESHIRE, CW4 8AL

Proposal: Construction of two new dwellings

Applicant: Marion Porter

Expiry Date: 26-May-2015

### **SUMMARY**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favorably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a relatively sustainable location and is linked to the village of Holmes Chapel by a footpath.

It is not considered that the environmental concerns created are significant enough to outweigh the economic and social benefits provided given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the application is recommended for approval.

### **RECOMMENDATION**

**APPROVE subject to conditions**

### **PROPOSAL**

This application seeks outline planning permission to erect No.2 dwellings. Matters of Access are also sought for approval.

Matters regarding; Layout, Scale, Appearance and Landscaping are all reserved for later approval.

As such, the application seeks permission for the principle of erecting 2 dwellings on this plot with access only.

Revised plans have been submitted during the application process resulting the in the slight re-siting of the dwellings in order to address United Utilities and the Council's Tree and Landscape Officer's concerns.

Furthermore a revised Arboricultural Implications Assessment has been submitted removing the proposed re-siting of the boundary hedge on the advice of the council's Tree Officer.

## **SITE DESCRIPTION**

The site relates to a triangular parcel of land located on the eastern side of Macclesfield Road, Holmes Chapel, within the Open Countryside.

The application site is 0.2 hectares in size and lies to the south of No.94 Macclesfield Road.

At its maximum points it is approximately 52.3 metres in width and 55 metres in depth. The widest section of the plot is to the north, the narrowest to the south.

The site is largely screened from Macclesfield Road by TPO trees on the western boundary.

The site is relatively flat in nature. However, the height of Macclesfield Road to the west drops lower the further travelled north along the site boundary.

The site falls within the Jodrell Bank Radio Telescope Consultation Zone Line.

## **RELEVANT HISTORY**

**09/3339C** - Extension of existing detached garage to form ancillary accommodation – Withdrawn 13<sup>th</sup> November 2009

**17952/3** - Erection of shed (to house pet donkey) – Approved 30<sup>th</sup> September 1986

**17951/3** - To use land to store agricultural machinery – Approved 21<sup>st</sup> October 1986

16528/1 - One detached bungalow – Refused 12<sup>th</sup> March 1985

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design and 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside  
PS10 – Jodrell Bank Radio Telescope Consultation Zone  
GR1 - New Development  
GR2 – Design  
GR4 – Landscaping  
GR6 - Amenity and Health  
GR9 - Accessibility, Servicing and Parking Provision – New development  
GR20 - Public Utilities  
GR21 - Flood Prevention  
GR22 - Open Space Provision  
NR1 - Trees and Woodlands  
NR2 - Wildlife and Nature Conservation – Statutory Sites  
H1 - Provision of New Housing Development  
H6 - Residential Development in the Open Countryside and the Green Belt

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development  
PG1 - Overall Development Strategy  
PG5 - Open Countryside  
PG6 - Spatial Distribution of Development  
SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
IN1 – Infrastructure  
IN2 - Developer contributions  
SC4 - Residential Mix  
SC5 - Affordable Homes  
SE1 – Design, SE2 - Efficient use of land  
SE3 - Biodiversity and geodiversity  
SE4 - The Landscape  
SE5 - Trees, Hedgerows and Woodland  
SE6 - Green Infrastructure  
SE9 - Energy Efficient Development

SE12 - Pollution, Land contamination and land instability

SE13 - Flood risk and water management.

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)

North West Sustainability Checklist

### **CONSULTATIONS**

**Jodrell Bank (University of Manchester)** – No objections, but recommend the use of electromagnetic screening measures in the construction of the proposed development.

**Head of Strategic Infrastructure (HSI)** – No objections

**Environmental Protection** – No objections, subject to a number of conditions including; the prior submission of a Noise Impact Assessment, the prior submission of a Phase I contaminated Land report and informatives relating to contaminated land.

**Flooding (Cheshire East Council)** – No objections, subject to a condition that requires the prior submission of a scheme showing the disposal of surface water

**United Utilities** - No objections, but advise that there are water mains on the western edge of the site which the development cannot impede.

**Holmes Chapel Parish Council** – Object to the proposal based on the following grounds;

- Outside of settlement boundary
- Increased traffic generation

### **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected. To date, letters of objection have been received from 2 neighbouring properties. The main areas of objection include;

- Principle of development / Loss of open countryside
- Unsustainable location
- Highway safety

### **APPRAISAL**

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Sustainability
- Planning balance

## **Principle of Development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

## **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Open Countryside Policy**

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered below.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.



Adherence with the recommendation

Primary School (1000m) – 800m  
Local meeting place (1000m) – 700m  
Public House (1000m) – 1000m  
Child Care Facility (nursery or crèche) (1000m) – 500m  
Railway station (2000m where geographically possible) – 1000m  
Public Right of Way (500m) – 400m

Failure by 60% or less

Supermarket (1000m) – 1100m  
Bank or cash machine (1000m) – just over 1000m  
Pharmacy (1000m) – 1200m  
Medical Centre (1000m) – 1200m  
Leisure facilities (1000m) – 1125m  
Post box (500m) – 700m

Failure

Post Office (500m) – 1200m  
Secondary School (1000m) – 2200m  
Amenity Open Space (500m) – 1300m  
Convenience Store (500m) - 1000m  
Children's Play Space (500m) – 1000m  
Bus Stop (500m) – 800m  
Outdoor Sports Facility (500m) – 1125m

The outcome of this survey concluded that the site either complied with or was within 60% of the recommended distances to public facilities of 12 of the 19 listed. Furthermore, it can be confirmed that the site is linked via a footpath to the village of Holmes Chapel.

As a result of this footpath linkage in particular, it is considered that the site is locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time

to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental role**

### Landscape Impact

The application site is designated as Open Countryside within the Local Plan. It is bound to the west and south by mature TPO trees and hedgerow, and to the east and north by a post and rail fence.

The site currently comprises of a field which is used by a pet donkey for grazing and a small yard to the north.

The Council's Landscape Officer has informally advised that she does not consider that the proposed development would result in any significant landscape or visual impact as the site would be enclosed by residential development.

### Trees and Hedgerows

The Trees on the Macclesfield Road frontage are subject to TPO protection.

The submission is supported by an Arboricultural Implications Assessment and an Arboricultural method statement. Both of these were updated during the application process as further information was sought by the Council's Tree Officer.

In response, the submission indicates that 4 No. TPO protected trees would be felled in order to accommodate the southern plot. The Council's Tree Officer has advised that whilst not individually outstanding, the trees stand within a group of trees which make some contribution to the street scene. However, it has also been advised that if the losses are accepted as part of the planning balance, replacement planting would need to be secured.

The 4 TPO trees that are sought for removal form part of a group comprising of 6 trees. As the 2 trees that would be retained within this group are on the Macclesfield Road frontage, it is not considered that the impact upon the streetscene would be significant enough to warrant refusal of this application.

The Council's Tree Officer has concluded that should the application be approved, any reserved matters application would need to be supported by a comprehensive package of arboricultural information in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction.

### Ecology

The Council's Nature Conservation Officer has reviewed the application and advised that he has no objections subject to a nesting bird's condition and a condition requiring the prior submission of features suitable for breeding birds.

### Design

The proposed development is for 2 new dwellings.

The submitted indicative layout plan shows that the proposed dwellings would be erected in a linear pattern fronting the private road to which they would be accessed with their rear elevations fronting Macclesfield Road.

The dwellings would be inset from Macclesfield Road by between 10 and 12 metres. The plots would be largely square in nature.

Although the arrangement of the dwellings having their backs to the highway is not ideal, given the separation distance between the built form and the highway and the mature, tall boundary treatment which would provide a degree of screening, it is not considered that this orientation would have a detrimental impact on the streetscene should the indicative layout be submitted at reserved matters stage.

The majority of the other dwellings served by this private, un-adopted road also front onto it and as such, this arrangement would not appear unusual.

As such, it is considered that the site is large enough to accommodate 2 dwellings in the layout proposed.

With regards to form, the indicative layout and elevational plans indicate that the applicant seeks to erect 2 detached dwellings. It is noted that the surrounding properties are either semi-detached or detached. As such, the form of detached units would be acceptable.

The indicative plans also show that the proposed dwellings would either be 1 ½ storeys tall and 2 storey's tall. Again, although not sought for approval, this scale would not appear incongruous within the immediate vicinity in principle.

As a result, it is considered that the proposed development would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

### Access

The indicative layout plan demonstrates that the proposal seeks the creation of 2 driveways off an existing un-adopted shared private road which currently serves a number of dwellings.

The Head of Strategic Infrastructure (HSI) has reviewed the submitted information and advised that the addition of the traffic associated with the development of two dwellings would not be expected to have a material impact on the adjacent or wider highway network. It also appears

that sufficient off-street parking can be accommodated within the development. As such, he has no objections.

#### Flood Risk and Drainage

The application site falls within Flood Zone 1 and is not of a scale which requires the submission of a Flood Risk Assessment.

The Council's Flood Risk Officer has reviewed the application and advised that she has no objections to the proposal in principle, but would request the prior submission of a surface water drainage plan.

United Utilities have also reviewed the application and advised that whilst they raise no objections in principle, would like to make it clear that there are 2 water mains on the western side of the site which should be kept clear from development.

In response, the applicant has amended their indicative layout plan to show the location of these water mains and that the development shall be kept clear from these.

As such, subject to a surface water conditions, it is considered that the proposed development would adhere with Policies GR20 and GR21 of the Local Plan.

#### Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

#### **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Holmes Chapel for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

#### **Social Role**

The proposed development would provide 2 market dwellings.

#### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of

loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application site include; No's 94 and 96 Macclesfield Road to the north and north-east and the occupiers of Saltersford Farm across Macclesfield Road to the west.

According to the submitted indicative layout plan, the dwelling proposed to the north would be approximately 15.8 metres and significantly offset from No.94 Macclesfield Road and further away and even more offset from No.96 Macclesfield Road.

Given this relationship, it is not considered that the occupiers of either of these dwellings would be detrimentally impacted by the proposed development in terms of loss of privacy, light or visual intrusion.

Any concerns regarding overlooking can be addressed at reserved matters stage given that the appearance is not sought for approval as part of this application.

Saltersford Farm would be positioned approximately 30 metres away and also be significantly offset from the closest of the proposed dwellings (the southern dwelling).

As such, the occupiers of this neighbouring dwelling would not be detrimentally impacted by the proposed development in terms of loss of privacy, light or visual intrusion.

The Council's Environmental Protection Team have advised that they have no objections subject to a number of conditions including; the prior submission of a noise mitigation scheme, the prior submission of phase 1 contaminated land report and a contaminated land informative.

In terms of the amenity of the future occupiers of the proposed dwellings, sufficient space would be available for each dwelling to have a private amenity space of at least 65 square metres. Subject to the detail of the window and door positions and the use of obscure glazing where necessary, it is not considered that the future occupiers of the proposed dwellings would be detrimentally impacted by the proposed development.

As such, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

#### Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have advised that they have no objections to the proposal, but recommend the incorporation of electromagnetic screening measures into the construction of the proposed development.

As such, subject to the addition of this condition, it is considered that the proposal would adhere with Policy PS10 of the Local Plan and Policy SE14 of the emerging Cheshire East Local Plan Strategy – Submission Version.

### **Other Matters**

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

### **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy. In addition the site is located in a relatively sustainable location and is linked to the village of Holmes Chapel by a footpath.

It is not considered that the environmental concerns created, by reason of the impact upon the Open Countryside and loss of 4 TPO protected trees are significant enough to warrant refusal of this application given the sites location amongst residential development.

No issues with regards to neighbouring amenity, landscape, trees, hedgerows, flooding or drainage would be created.

As such, the development is recommended for approval.

### **RECOMMENDATION**

**APPROVE** subject to the following conditions;

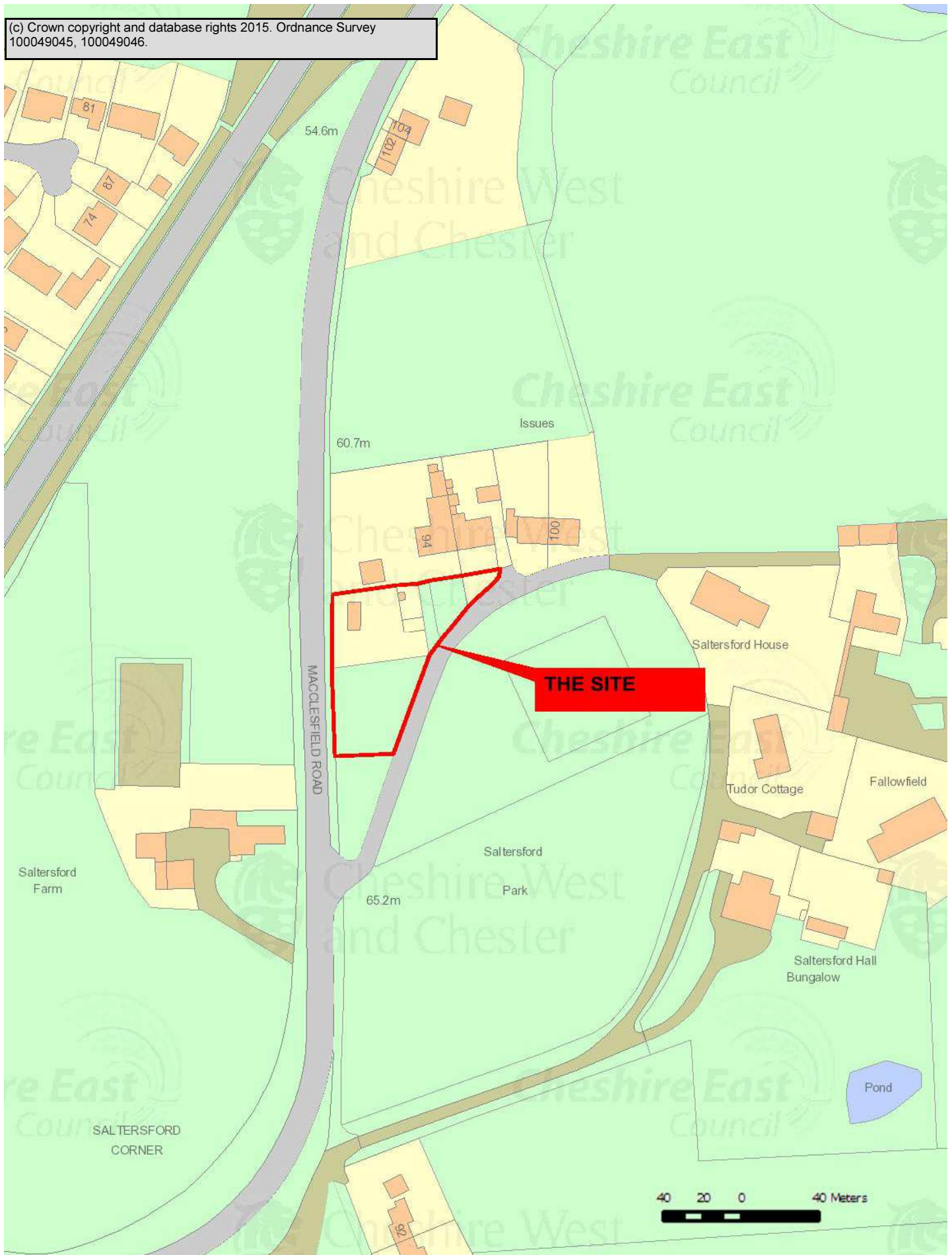
1. Time Limit (Outline) A06OP
2. Submission of reserved matters A01OP
3. Reserved Matters application made within 3 years A03OP
4. Development in accordance with approved plans
5. Reserved Matters to be accompanied by a comprehensive package of arboricultural information in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction.
6. Prior submission of replacement tree planting plan
7. Prior submission of a surface water drainage plan
8. Prior submission of a Noise Impact Assessment
9. Prior submission of a Phase 1 Contaminated land report
10. Prior submission of electromagnetic screening measures (Jodrell Bank)
11. Removal of PD Rights (A-E)
12. Nesting birds
13. Prior submission of features suitable for breeding birds

**Informatives:**

1. NPPF
2. Contaminated land

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.





Application No: 15/1745N

Location: Land east of Butt Green House, Wybunbury

Proposal: Outline planning permission sought for proposed erection of two detached dwellings.

Applicant: Messrs Whittingham, Jones and Munroe

Expiry Date: 11-Jun-2015

**CONCLUSION:**

The proposal is considered to be acceptable in principle, given that the site is located at the end of an established linear form of development, as well and is in close proximity to services and facilities accessible via public transport. It is considered therefore that on balance, the proposal would outweigh the limited conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

The development would assist the Council's 5 year housing land supply position and would promote modest economic growth whilst fulfilling the social dimension of sustainability.

It is considered that these considerations would outweigh the proposals conflict with the adopted local plan in terms of the site location which lies outside the settlement boundary. Furthermore, it is considered that any harm arising from these issues would not be substantial or demonstrable, and therefore the presumption in favour of development, under paragraph 14 of the NPPF applies.

The proposal is made in outline with approval for access. Highway Authority raises no objections subject to a condition to secure the required visibility splays. Matters relating to design and layout are reserved for future consideration, however it is considered that the application site is capable of comfortably accommodating 2 no. dwellings and private amenity space whilst respecting the character and appearance of the locality.

The impact of the proposal on the existing trees and TPO's is considered to be acceptable at this stage subject to further information submitted at reserved matters. The application is considered to have an acceptable impact on the sites ecology subject to conditions.

**SUMMARY RECOMMENDATION:**

Approve subject to conditions

**PROPOSAL:**

The proposal seeks outline planning permission and approval for access for 2 no. detached dwellings.

**SITE DESCRIPTION:**

The application site is a portion of greenfield land lying east of Butt Green House along Wybunbury Lane and within the open countryside.

Mature trees and hedgerows run along the site boundaries. The trees on the Wybunbury Lane frontage are subject to TPO protection.

Planning permission has recently been granted by appeal (APP/R0660/A/14/2224640) for 4 no. detached dwellings on land directly south of the application site.

**RELEVANT HISTORY:**

None.

**NATIONAL & LOCAL POLICY**

**National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:  
17, 49 & 55

**Development Plan:**

The Development Plan for this area is the Borough of Crewe and Nantwich Local Plan 2011.

The relevant Saved Policies are: -

NE.2 - Open Countryside

NE.5 – Nature Conservation

BE.1 - Amenity

BE.2 - Design Standards

BE.3 - Access and Parking

BE.4 – Drainage, Utilities and Resources

RES.5 - Housing in the Open Countryside

TRAN.9 - Car Parking Standards

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

**Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

Policy MP1 – Presumption in Favour of Sustainable Development

Policy PG 5 - Open Countryside

Policy SD 1 - Sustainable Development in Cheshire East

Policy SD 2 - Sustainable Development Principles

Policy EG 2 - Rural Economy

Policy SE 1 – Design

Policy SE 2 – Efficient Use of Land

Policy SE 4 - The Landscape

Policy SE 5 - Trees, Hedgerows and Woodland

### **Supplementary Planning Documents:**

Development on Backland and Gardens

### **CONSULTATIONS:**

**Highway Authority:** No objection subject to a condition regarding visibility splays.

**Environmental Health:** No objection subject to pre-commencement conditions requiring a method statement for any piling work, dust suppression scheme and written confirmation on the status of any contaminated land on the site. Compliance condition relating to hours of work is also suggested.

**View of the Parish/Town Council:** No comments received at the time of writing.

### **REPRESENTATIONS:**

Four objections received (2 from the same property).

Concerns raised include adverse impact on highway safety, visibility splays required not achievable, impact on existing visual amenity, impact on existing TPO's on the boundary, loss of existing residential amenity, inadequate parking provision, incursion into open countryside,

### **APPRAISAL:**

The key issues are:

Principle of Development

Character, Appearance and Landscaping

Residential Amenity

Access and Parking

Trees

Ecology

### **Principle of Development**

The application site is a Greenfield site lying outside the settlement boundary. This represents a departure from adopted local plan policy.

Sec.38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*". The most important consideration in this case is the National Planning Policy Framework (NPPF).

### **(i) Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was 'too low' further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account 'persistent under delivery' of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **(ii) Open Countryside Policy**

Countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where

appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Consequently, the main issues in the consideration of this application are the sustainability of the site and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of housing land supply.

### **(iii) Sustainability**

Paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Paragraph 55 of the National Planning Policy Framework states that housing should be located where it will enhance or maintain the vitality of rural communities, for example development in one village may support services in a village nearby.

The application site is located directly adjacent to Nantwich Settlement Boundary.

Nantwich has a range of services and facilities including primary and secondary schools, convenience stores, surgery and church. The services are accessible from the application site via foot or a short bus journey, given the site is located approximately 480m south east from the nearest bus stops.

Owing to its position on the edge of Nantwich, it is acknowledged that the services would not be as near to the development as existing dwellings which are more centrally positioned. Nevertheless this is not untypical for suburban dwellings and the proposal would lie at the end of a small but established linear form of development along the Wybunbury Lane frontage and within approximately 700m of the nearest services mentioned above, accessible via public transport and by foot.

The site is located approximately 1.5km south east of the edge of Nantwich Town Centre, which has yet a wider range of services and facilities including a train station, retail stores and leisure and entertainment facilities. The bus stops located approximately 480m north-west of the site provide regular services to the town centre.

In addition to its locational sustainability, the proposal would supply 2 no. market housing directly adjacent to the Nantwich Settlement Boundary which is considered would help to fulfil the social dimension of sustainability within the NPPF, as well as contributing to housing supply

in the local area. The proposal would also help to support the local economy as well as generating employment during the construction phase of development.

A recent appeal decision relating to planning application 14/1139N for a residential scheme for 4 no. dwellings located in the field directly south of the site stated that the appeal site is sustainable in locational terms, given its proximity to services and facilities. The Inspector considered that the addition of 4 no. further dwellings would also help to fulfil the social, economic and environmental dimensions of sustainable development. The Inspector afforded substantial weight to the Authorities lack of a 5 year deliverable housing supply in reaching her decision and considered that in addition to the sustainability credentials of the proposal, this would outweigh the loss of the open countryside in this location.

Therefore, having regard to the housing land supply, it is considered that on balance, the proposal would outweigh the limited conflict with local plan policy in terms of its location within the open countryside and would represent a sustainable form of development.

### **Character, Appearance and Landscaping**

The application is made in outline, therefore design and layout considerations have been reserved for future consideration.

Given the plot size, the site is considered to be capable of accommodating 2 no. new dwellings and adequate amenity space without appearing cramped or incongruous in this location.

Existing properties along Wybunbury Lane are set back from the main road with front gardens, private driveways and defined boundary treatments, particularly along the road frontage. This should be taken into consideration when designing the layout and landscaping elements of the scheme, to ensure that the properties do not appear discordant within the street scene.

The vernacular in the immediate area is loosely defined, with dwellings comprising bungalows and two storey properties and roof types comprising pitched and hipped. Material finishes are brick and render with dark slate roof tiles. Detached and integral garages are also prevalent.

The properties to the side and rear of the site are two storey detached dwellings and the scale and design of the proposal should take this into account, to ensure the development is commensurate to the existing immediate context.

Conditions relating to design and layout are not considered appropriate, given details would be considered under a future reserved matters application.

### **Residential Amenity**

It is considered that 2 no. dwellings could be sited comfortably on the plot, whilst meeting the required separation distances to neighbouring properties and providing sufficient private amenity space within the curtilage, as set out in the Authorities SPD on 'Development on Backland and Gardens'.

Detailed boundary treatments would be considered at reserved matters stage. Should the application be approved, conditions securing details and methods of piling operations, a dust

suppression scheme, construction hours and contaminated land are considered reasonable to attach to the permission.

### **Access and Parking**

The indicative Site Plan shows a shared access to both properties would be provided off Wybunbury Lane.

The plot size is considered capable of accommodating sufficient parking provision for a minimum of three vehicles per property, as well as providing adequate turning space in a forward gear.

The Head of Strategic Infrastructure raises no objection to this development subject to a condition to secure the required visibility splay for the access into and out of the site. To this effect, the visibility splays shall measure 2.4m x 160m in the leading direction and 2.4m x 120m in the non leading direction, with no obstruction beyond 1m in height within the splays.

### **Trees**

Further information was requested in regards to the impact of the development on the loss of the roadside hedgerow and the existing mature trees on the site boundaries, which includes TPO's along the site frontage.

Following receipt of the revised arboricultural impact assessment on 28<sup>th</sup> May, the Tree Officer considers that the proposed access to the site could be accommodated without significant impact on the protected trees. Full impacts would need to be identified at reserved matters stage and the submission would need to include existing and proposed site levels, service routes and a comprehensive package of arboricultural data relevant to the final design. These can be secured by condition.

### **Ecology**

No other protected species activity was recorded during the Ecological Surveys undertaken on the application site however the status of other protected species can change on a site in a short timescale. A condition would be attached to any grant of planning permission requiring any future reserved matters application to be supported by an updated protected species survey.

Hedgehogs and polecats have been recorded in the broad locality of the application site. However there is no evidence to suggest that the application site is particularly important for them. To ensure the proposed development does not inhibit the movement of these species a condition would be attached to a grant of consent to incorporate gaps for hedgehogs into any garden or boundary fencing.

Conditions to safeguard nesting birds are considered appropriate should consent be granted.

The ecological report indicates there is evidence to suggest that the hedgerow which borders Wybunbury Lane may have formed an integral part of a field system pre-dating the Enclosure

Act. On this basis the hedgerow would be judged 'Important' under the Hedgerow Regulations 1997 which would be a material consideration in the determination of the application.

The hedge to the east of the site was not found to be 'Important' under the Regulations but was judged to be worthy of retention and protection.

The report proposes the infill of existing gaps in the roadside hedge and a new hedge to the south of the plots to mitigate any habitat loss.

A condition would be attached to any grant of planning permission to secure the retention and protection of the existing hedgerows.

### Planning Balance

The proposal is contrary to development plan policy NE.2 (Open Countryside) and therefore the statutory presumption is against the proposal unless material considerations indicate otherwise.

The most important material consideration in this case is the NPPF which states at paragraph 49 that housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

The development plan is not "absent" or "silent". The relevant policies are not out of date because they are not time expired and they are consistent with the "framework" and the emerging local plan. Policy NE.2, whilst not principally a policy for the supply of housing, (its primary purpose is protection of intrinsic character and beauty of the countryside,) it is acknowledged has the effect of restricting the supply of housing. Consequently the application must be considered in the context of paragraph 14 of the Framework, which states:

*"At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision taking means:*

- *approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

- *specific policies in the Framework indicate development should be restricted."*

It is therefore necessary to consider whether the proposal constitutes "sustainable development" in order to establish whether it benefits from the presumption under paragraph 14. The cases of Davis and Dartford have established that *"it would be contrary to the fundamental principles of the NPPF if the presumption in favour of development, in paragraph 14, applied equally to sustainable and non-sustainable development. To do so would make a*



*nonsense of Government policy on sustainable development*". In order to do this, the decision maker must reach an overall conclusion, having evaluated the three aspects of sustainable development described by the framework (economic, social and environmental) as to whether the positive attributes of the development outweighed the negative in order to reach an eventual judgment on the sustainability of the development proposal. However, the Dartford case makes clear that this should be done simultaneously with the consideration of whether "*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole*" as required by paragraph 14 itself and not on a sequential basis or as a form of preliminary assessment.

In this case, the development would provide market housing to meet an acknowledged shortfall. The proposal would also have some economic benefits in terms of jobs in construction, spending within the construction industry supply chain and spending by future residents in local shops.

Balanced against these benefits must be the negative effects of an incursion into Open Countryside. However, this incursion is considered to be small and given the site's location at the end of an established linear form of development and its proximity to services and facilities in nearby settlements, as well as the recent appeal decision directly south of the site, it is not considered that this is sufficient to outweigh the benefits in terms of housing land supply in the overall planning balance.

On the basis of the above, it is considered that the proposal is acceptable subject to the imposition of appropriate conditions.

## **RECOMMENDATION**

**APPROVE** subject to the following conditions:

- 1. Submission of Reserved Matters**
- 2. Application for Approval of Reserved Matters**
- 3. Commencement of Development**
- 4. Plans**
- 5. Hours of Construction**
- 5. Submission / Approval and Implementation of Dust Suppression Scheme**
- 6. Submission / Approval and Implementation of Piling Method Statement**
- 7. Submission / Approval of Information regarding Contaminated Land**
- 8. Construction hours**
- 9. Submission of an updated badger survey**
- 10. Survey for nesting birds**
- 11. Incorporation of features for use by nesting birds**
- 12. Features for use by hedgehogs**
- 13. Visibility splays at access**
- 14. Package of arboricultural information in accordance with BS5837:2012**
- 15. Existing and proposed levels**
- 16. Retention and protection of existing hedgerows**
- 17. Replacement native species hedgerow**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation),

**in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.**

**Should this application be the subject of an appeal, authority be delegated to the Head of Planning (Regulation) in consultation with the Chairman of the Southern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.**

LOCATION  
WYBUNBURY LANE, N  
CHESHIRE,  
PLAN  
LOCATION PLAN  
SCALE 1:200 @ A3 MIN. / D  
DATE 22.08.16  
DRAWN DC  
W

This page is intentionally left blank

Application No: 15/1766C

Location: CROSSMERE FARM, DAVENPORT LANE, BRERETON HEATH,  
CHESHIRE, CW12 4SU

Proposal: Variation of Condition 10 on Application 25981/3 - Existing land and buildings to be used as livery yard and stud.

Applicant: Ms C Collins

Expiry Date: 11-Jun-2015

#### **SUMMARY**

The principle of development has already been accepted by virtue of planning approval 25981/3.

The variation of condition no. 10 would allow this existing equestrian centre to hold no more than 10 equestrian events per year. The variation is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

The variation of the condition would not materially harm the amenity of neighbours or the locality and would not give rise to highway safety concerns.

**APPROVE subject to conditions as varied by this application**

#### **REASON for REFERRAL**

This application has been 'called-in' to the Southern Planning Committee by Cllr Wray due to concerns regarding neighbouring amenity and the variation of the condition.

#### **PROPOSAL:**

This application seeks to amend condition number 10 of planning approval ref; 25981/3, which granted full planning permission for the use of the buildings and the land as a 'livery yard and stud' at Crossmere Farm, Davenport Lane, Brereton Heath.

Condition no. 10 stated that:

*"The use of the site to which this permission relates shall be limited to a livery yard / stud farm only (involving the keeping, stabling and breeding of horses) and, specifically, the site shall not be used as a public riding school / equestrian centre unless a further*

*planning permission has first been granted in respect thereof on application to the local planning authority”.*

This application seeks to vary this condition so that the site can be used to hold a number of equestrian events. There would be no more than 10 events held per calendar year.

#### **SITE DESCRIPTION:**

This application relates to an existing equestrian centre known as ‘Crossmere Farm, Davenport Lane, Brereton’. The centre comprises a number of buildings including stables and a main dwellinghouse. The site falls within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

#### **RELEVANT HISTORY:**

25981/3 - Use of land as a livery yard including retention of mobile home for residential occupation  
- Approved 1994

33498/3 - Construction of new dwelling and detached garage/hayloft - Approved 2001

13/0423C - Certificate of Lawfulness for existing use of the garage/hay loft as a flat – Granted 2013

#### **NATIONAL & LOCAL POLICY**

##### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17 and 28

##### **Development Plan:**

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS8	Open Countryside
GR1	New Development
GR2	Design
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
RC5	Equestrian Facilities
NR1	Trees
E5	Employment Development in the Open Countryside

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 Open Countryside

**Other Considerations:**

Planning Practice Guidance (PPG)

**CONSULTATIONS:**

**Environmental Protection:** No objection subject to conditions limiting frequency of use, hours of use and submission of a noise mitigation plan.

**Head of Strategic Infrastructure (Highways):** No objection

**VIEWS OF THE BRERETON PARISH COUNCIL:**

No comments received

**REPRESENTATIONS:**

1 letter of support has been received from the occupier of a nearby property making the following comments:

- We have not been unduly affected by any equestrian activities at the farm
- The proposed small show jumping and dressage shows would not be detrimental to anyone in the vicinity
- The shows are for the benefit of liveries and adults/children who have riding lessons at the farm as well as other riders who live in the area
- There is ample off-road parking

**APPRAISAL:**

**Principle of Development**

The condition was originally imposed so that the local planning authority could exercise control over any further activities at the site to ensure that they were acceptable in this location.

It is important to note that 'Part 4, Class B of the General Permitted Development Order 1995 (as amended)' allows the temporary use of land for any purpose for not more than 28 days in a calendar year without the need to apply for planning permission. On this basis, there would be nothing to prevent the surrounding buildings or land being used for public equestrian events under permitted development rules up to 28 times per year. Thus, it would be unreasonable in principle not to allow the equestrian centre to operate up to 10 events per year provided that there would no adverse impacts on matters relating to highway safety and residential amenity.

**Impact on Residential Amenity**

Owing to the location of the site within the open countryside, there are few properties within the vicinity. However, there are properties scattered in the area, the nearest of which is located some 50 metres to the north of the site.

The Council's Environmental Protection Unit has offered no objection to the scheme but is concerned that the proposals and associated noise and traffic could undermine the amenity afforded to nearby properties. To help mitigate any harm, conditions are recommended that limit the number of events held to 10 (as per the application) and to require submission of a noise management plan. This would provide further detail and clarity on the scale and likely noise generated by the proposals and keep them within reasonable limits to prevent any future increase in intensity. Subject to this, the scheme is found to be acceptable in this regard.

### **Highways**

The Head of Strategic Infrastructure has confirmed that this is a relatively modest proposal in terms of traffic movements. The proposal states that a maximum of 40 visitors will attend any given event and the event will be serviced by the existing 10 employees. There will be a limit of 6 horse boxes at any given time on an events day. This demonstrates the low intensity of the proposals and as such, the parking arrangements and traffic movements would not result in severe harm on the local highway network.

### **PLANNING BALANCE:**

The principle of development has already been accepted as part of the original planning permission on this site. To maintain the conditions as originally stated would not satisfy the reasonableness test with National Policy Guidance. The variation of the suggested condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

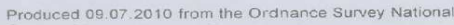
### **RECOMMENDATION:**

#### **APPROVE subject to the following conditions**

- 1. Use of the site limited to livery / stud farm and not for any other purposes except for up to 10 equestrian events per calendar year**
- 2. Submission of a noise mitigation plan (including public announcement systems)**
- 3. Limit to 40 visitors, 10 staff and 6 horseboxes on event days**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.





This page is intentionally left blank

Application No: 15/2353C

Location: ARCLID GRANGE, HEMMINGSHAW LANE, ARCLID, CHESHIRE, CW11 4SZ

Proposal: Construction of two new residential dwellings.

Applicant: The Trustees of Derek Beresford Family T

Expiry Date: 17-Jul-2015

### **SUMMARY**

It is acknowledged that the Council is unable to robustly demonstrate a five-year housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework, it should favorably consider suitable planning applications for housing that can demonstrate that they meet the definition of sustainable development.

The proposal remains contrary to Open Countryside policy regardless of the Council's 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be "flexed" in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a boost to the local economy.

However, the development would lead to a loss of Open Countryside and is not located in a sustainable location.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance to warrant refusal of this application. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development would be sustainable and should therefore be approved.

### **RECOMMENDATION**

**APPROVE subject to conditions**

## **PROPOSAL**

Revised plans have been submitted for the erection No.2 detached dwellings, 2 detached garages and an associated access.

The original submission sought 2 access points onto Hemmingshaw Lane. This was changed to 1 access during the application process following concerns being raised by the Council's Landscape and Nature Conservation Officer's regarding the loss of the hedgerow frontage.

## **SITE DESCRIPTION**

The site relates to a paddock located to the northern side of Hemmingshaw Lane, Arclid, within the Open Countryside and within the Jodrell Bank Radio Telescope Consultation Zone Line.

The application site measures 2254 square metres and its topography is predominantly level and in line with the Lane. The site is currently paddock and is accessed via a wooden gate off Hemmingshaw Lane.

## **RELEVANT HISTORY**

**34822/3** – (Arclid Grange) - Conversion of Workshop to Create One Dwelling – Approved 27<sup>th</sup> September 2002

**20031/3** - (Arclid Grange) - Extension to Existing Dwelling House and Change Of Use To Provide 6 No Bed And Breakfast Guest Bedroom Low Budget Accommodation – Approved 23<sup>rd</sup> August 1988

## **NATIONAL & LOCAL POLICY**

### **National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development. Of particular relevance are paragraphs:

14 - Presumption in favour of sustainable development, 47-50 - Wide choice of quality homes, 55 - Isolated dwellings in the countryside, 56-68 - Requiring good design, 69-78 - Promoting healthy communities

### **Development Plan**

The Development Plan for this area is the 2005 Congleton Borough Local Plan, which allocates the site, under Policy PS8, as Open Countryside.

The relevant Saved Policies are:

PS8 – Open Countryside, PS10 – Jodrell Bank Radio Telescope Consultation Zone, GR1 - New Development; GR2 - Design, GR4 - Landscaping, GR6 - Amenity and Health, GR9 - Accessibility, Servicing and Parking Provision – New development, GR20 - Public Utilities, GR21 - Flood Prevention, NR1 - Trees and Woodlands, NR2 - Wildlife and Nature Conservation – Statutory

Sites, H1 - Provision of New Housing Development and H6 - Residential Development in the Open Countryside and the Green Belt

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG5 - Open Countryside, PG6 - Spatial Distribution of Development, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 - Residential Mix, SE1 – Design, SE2 - Efficient use of land, SE3 - Biodiversity and geodiversity, SE4 - The Landscape, SE5 - Trees, Hedgerows and Woodland, SE6 - Green Infrastructure, SE9 - Energy Efficient Development, SE12 - Pollution, Land contamination and land instability and SE13 - Flood risk and water management

### **CONSULTATIONS**

**Jodrell Bank (University of Manchester)** – No comments received at time of report

**Head of Strategic Infrastructure (HSI)** – No objections

**Environmental Protection** – No objections, subject to a condition requiring the prior submission of a Phase 1 contaminated land report and informatives relating to hours of construction and contaminated land

**Flooding (Cheshire East Council)** – No comments received at time of report

**United Utilities** – No comments received at time of report

**Arclid Parish Council** – No comments received at time of report

### **REPRESENTATIONS**

Neighbour notification letters were sent to all adjacent occupants and a site notice was erected.

No letters of objection have been received at the time of the report.

### **APPRAISAL**

The key issues are:

- The principle of the development
- Housing Land Supply
- Open Countryside
- Emerging Local Plan policy
- Sustainability

- Planning balance

### **Principle of Development**

The site lies entirely within the Open Countryside as designated in the Congleton Borough Local Plan First Review 2005 where policies PS8 and H6 state that only residential development which is required for a person engaged full-time in agriculture or forestry, the replacement of an existing dwelling, the conversion of an existing rural building, the change of use or re-development of an existing employment site, infill development or affordable housing shall be permitted.

The proposed development does not fall within any of these exceptions. As a result, it constitutes a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “in accordance with the plan unless material considerations indicate otherwise”.

The issue in question is whether the development represents sustainable development and whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

The calculation of Five Year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

Following the suspension of the Examination into the Local Plan Strategy and the Inspectors interim views that the previous objectively assessed need (OAN) was ‘too low’ further evidential work has now taken place and a fresh calculation made.

Taking account of the suggested rate of economic growth and following the methodology of the NPPG, the new calculation suggests that need for housing stands at 36,000 homes over the period 2010 – 2030. Although yet to be fully examined this equates to some 1800 dwellings per year.

The 5 year supply target would amount to 9,000 dwellings without the addition of any buffer or allowance for backlog. The scale of the shortfall at this level will reinforce the suggestion that the Council should employ a buffer of 20% in its calculations – to take account ‘persistent under delivery’ of housing plus an allowance for the backlog.

While the definitive methodology for buffers and backlog will be resolved via the development plan process this would amount to an identified deliverable supply of around 11,300 dwellings.

This total exceeds the total deliverable supply that the Council is currently able to identify – and accordingly it remains unable to demonstrate a 5 year supply of housing land.

### **Open Countryside Policy**

In the absence of a 5-year housing land supply we cannot rely on countryside protection policies to defend settlement boundaries and justify the refusal of development simply because it is outside of a settlement, but these policies can be used to help assess the impact of proposed development upon the countryside. Where appropriate, as at Sandbach Road North, conflict with countryside protection objectives may properly outweigh the benefit of boosting housing supply. Policy PS8, seeks to protect the intrinsic character and beauty of the countryside.

Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

In order to assess the impact upon the Open Countryside, a significant consideration is the impact the development would have upon the landscape which is considered within the Environmental Role section of this report.

### **Emerging Local Plan Policy**

Policy PG5 (Open Countryside) of the emerging Cheshire East Local Plan (Emerging LP) indicates that an exception may be made to the Open Countryside policy with regards to residential development. This includes where there is an opportunity for the infilling of a small gap with one or two dwellings in an otherwise built up frontage (i).

Given that the proposal would infill a small gap within a built up frontage, it is considered that the proposal would adhere with this emerging Local Plan policy.

However, although this document has been subject to formal examination, it has not yet been adopted and this limits the weight that can be attributed to this policy.

### **Sustainability**

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

Accessibility is a key factor of sustainability that can be measured. A methodology for the assessment of walking distance is that of the North West Sustainability Checklist, backed by the

Department for Communities and Local Government (DCLG) and World Wide Fund for Nature (WWF). The Checklist has been specifically designed for this region and can be used by both developers and architects to review good practice and demonstrate the sustainability performance of their proposed developments. Planners can also use it to assess a planning application and, through forward planning, compare the sustainability of different development site options.

To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to locational accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

The applicant has not submitted this completed toolkit. However, the Planning Officer can confirm that the site is not likely to adhere to the majority of the public facilities listed due to its location and as such, the proposed development cannot be considered to be locationally sustainable.

Notwithstanding the above, Inspectors have determined that locational accessibility is but one element of sustainable development and it is not synonymous with it. The NPPF determines that sustainable development includes three dimensions:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **Environmental role**

### Landscape, Trees and Hedgerows

The site is a small paddock contained by trees/hedging and currently grazed by horses. There is residential development to the south, west and east and an employment site to the north.

The revised plans annotate that the existing boundary treatments shall be retained.



The site is in open countryside as defined in the Congleton Borough local plan. It is well contained and would appear an infill plot. The Council's Landscape Officer has concluded that subject to retention of all boundary vegetation (which provides good containment), she considers the site could accommodate the development proposed without a significant landscape impact.

### Ecology

The Council's Nature Conservation Officer has reviewed the application and advised that he does not anticipate there being any significant protected species issues associated with the proposed development.

If planning consent is granted, the Council's Nature Conservation Officer has advised that the standard nesting bird condition would be required.

### Design

The proposed development is for 2 new dwellings.

The submitted layout plan shows that the proposed dwellings would be erected adjacent to each other fronting onto Hemmingshaw Lane.

Each would be accessed via the existing access to the site which would lead to a driveway for each unit. Each dwelling would benefit from a detached garage.

The units would be inset from the highway by approximately 13 metres, be inset from the rear of the site by between 12.5 and 17 metres respectively and sit relatively centrally within their respective plots.

It is considered that this layout and inset from the highway would largely reflect the layout of the closest adjacent properties and as such, is considered to be acceptable.

With regards to form and scale, the dwellings would each be detached, and be of a 1 ½ storey design.

Bearsford Lodge to the west is of a bungalow design. Badgers Hollow and Squirrels chase to the east are 1 ½ storey barn conversions. The property on the opposite side of the road from the application site comprises of a detached, two-storey design.

As such, it is not considered that the erection of a further 2 detached 1 ½ storey units in this part of Hemmingshaw Lane would appear incongruous within the streetscene given the range of forms and scales.

Of the 2 dwellings proposed, the dwelling to the west entitled; House 1 would have an elongated frontage, a dual-pitched roof including a dual-pitched dormer window, a forward projecting two-storey gable feature to one side and a central front door and porch.

To the rear, the dual-pitched roof is extended to form a cat-slide roof design which would also contain a dual-pitched dormer window. A single-storey rear outrigger and side outrigger is also proposed.

The associated double garage would be single-storey, comprise of a dual-pitched roof, a central large garage door on the frontage and a pedestrian door on the side elevation.

The dwelling proposed to the east, House 2, would be of a narrower design characterised by a 1 ½ storey gable frontage that would consume more than half of the dwelling frontage.

The gable feature would comprise of a diamond shaped window within the frontage of the roof space and a ground-floor porch.

A dual-pitched roofed former window would be proposed within the roof space of the non-gable aspect of the principal elevation.

To the rear, a two-storey gable outrigger is proposed.

The associated double garage would mirror the design of the garage proposed with House 1.

It is advised within the submitted Design and Access Statement that both houses would feature a brick plinth, timber windows and stone surrounds, stone cills, lead detailing, projecting rafter feet.

It is advised within the application form that the dwellings and garages would comprise of brick and rendered walls, tile roofs and timber fenestration.

Subject to the detail of the materials being secured for prior approval by condition, it is considered that the appearance of the proposed dwellings and garages would not appear incongruous within this setting of a mixture of dwelling forms and designs.

As a result, once the materials have been conditioned, it is considered that the proposed development would be of an acceptable design and would adhere with Policy GR2 of the Local Plan and Policies SE1 (Design) and SE2 (Efficient use of land) of the Cheshire East Local Plan Strategy – Submission Version (CELP).

### Access

The revised layout plan demonstrates that the proposal seeks the utilisation of the existing agricultural access onto the Lane.

The Head of Strategic Infrastructure (HSI) has advised that access to the proposed dwellings is taken from an un-adopted private road some 200m from its junction with the nearest adopted highway, the A534 Congleton Road.

It is advised that the commuter peak hour and daily traffic generation associated with the development of two dwellings would not be expected to have a material impact on the operation of the junction or the wider highway network.

Accordingly, the Head of Strategic Infrastructure has no objection in relation to the above planning application

### Flood Risk and Drainage

The application site does not fall within a Flood Zone and is not of a scale which requires the submission of a Flood Risk Assessment.

### Conclusion

The proposed development would not create any significant landscape, tree or hedgerow, design, access, ecology, flooding or drainage issues.

As such, it is considered that the proposed development can be considered to be environmentally sustainable.

### **Economic Role**

It is accepted that the construction of a housing development of this size would bring the usual economic benefit to the closest shops in Sandbach for the duration of the construction, and would potentially provide local employment opportunities in construction and the wider economic benefits to the construction industry supply chain. There would be some economic and social benefit by virtue of new resident's spending money in the area and using local services.

As such, it is considered that the proposed development would be economically sustainable.

### **Social Role**

The proposed development would provide 2 market dwellings.

### Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties in terms of loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking. Supplementary Planning Document 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings.

The closest neighbouring properties to the application units would be the occupiers of Bearsford Lodge to the west, the occupiers of Badgers Holllow to the east and the occupiers of Arclid Lodge on the opposite side of the Lane.

At its closest point, the detached garage of the proposed House 1 would be approximately 14.5 metres away from the side elevation of Bearsford Lodge. The side elevation of House 1 itself would be approximately 23.7 metres away from this neighbouring unit.

Within the relevant side elevation of the proposed garage, no openings are proposed. Within the relevant side elevation of House 1, a ground-floor window to a utility room is proposed.

Given the large separation distance between this neighbouring dwelling and this closest window, it is not considered that any loss of privacy would be created to this side.

Within the relevant side elevation of Bearsford Lodge, at ground-floor level, there are 2 secondary lounge openings and 2 secondary dining room openings. At first-floor level, there is a principal bedroom window. However, this is significantly set back from the ground-floor windows on this eastern elevation.

Given the separation distance between this neighbouring dwelling and the garage associated with House 1, in conjunction with its single-storey nature, it is not considered that the occupiers of Bearsford Lodge would be significantly impacted in terms of loss of light or visual intrusion. House 1 itself is considered to be too far away to cause such amenity concerns.

Badgers Hollow is located approximately 16.2 metres away from the eastern side boundary of the site, approximately 18.2 metres from the proposed garage for House 2 and approximately 25 metres from the side elevation of the House 2 itself.

Given these large separation distances, it is not considered that the proposal would create any privacy, light or visual intrusion issues for the occupiers of this neighbouring dwelling.

Arclid Lodge on the opposite side of Hemmingshaw Lane would be over 21.5 metres away from the application site, far enough away for their amenities not to be impacted by the proposal.

The Council's Environmental Protection Team have advised that they have no objections to the development on environmental disturbance grounds subject to a number of conditions including; the prior submission of a phase 1 contaminated land report and a hours of construction and contaminated land informative.

Each dwelling would benefit from a garden of sufficient size and subject to the opposing first-floor side windows of each of the proposed dwellings being obscurely glazed to prevent loss of privacy for the future occupiers; it is not considered that the dwellings would have a detrimental impact upon each other.

As such, subject to conditions, it is considered that the proposed development would adhere with Policy GR6 of the Local Plan.

### Jodrell Bank

As the application site falls within the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan.

Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope.

It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Jodrell Bank have not provided any comments at the time of writing this report suggesting that they have no objections. Should this position change, the Members shall be updated as part of a written update prior to committee.

## **Other Matters**

The scheme is not of a scale which requires; affordable housing, public open space, education or health contributions.

## **Planning Balance**

The application site lies entirely within the Open Countryside as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations, there is a presumption against development, unless the development falls into one of a number of categories as detailed by Local Plan Policy H6. The proposed development does not fall within any of the listed categories and as such, it constitutes a “departure” from the development plan and there is a presumption against the proposal.

The proposal remains contrary to Open Countryside policy regardless of the Council’s 5-year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth. This consideration is made on the sustainability of the development.

The proposal would bring positive planning benefits such as; the provision of market housing and a minor boost to the local economy.

However, the planning dis-benefits are that development would lead to a loss of Open Countryside and would not located in a sustainable location.

Given that the site is enclosed on all sides by built form, it is not considered that the impact upon the landscape, and Open Countryside would be significant in this instance. Furthermore, such a proposal would adhere with the emerging Local Plan Policy PG5.

As such, on balance, it is considered that the development would be sustainable and should therefore be approved.

## **RECOMMENDATION**

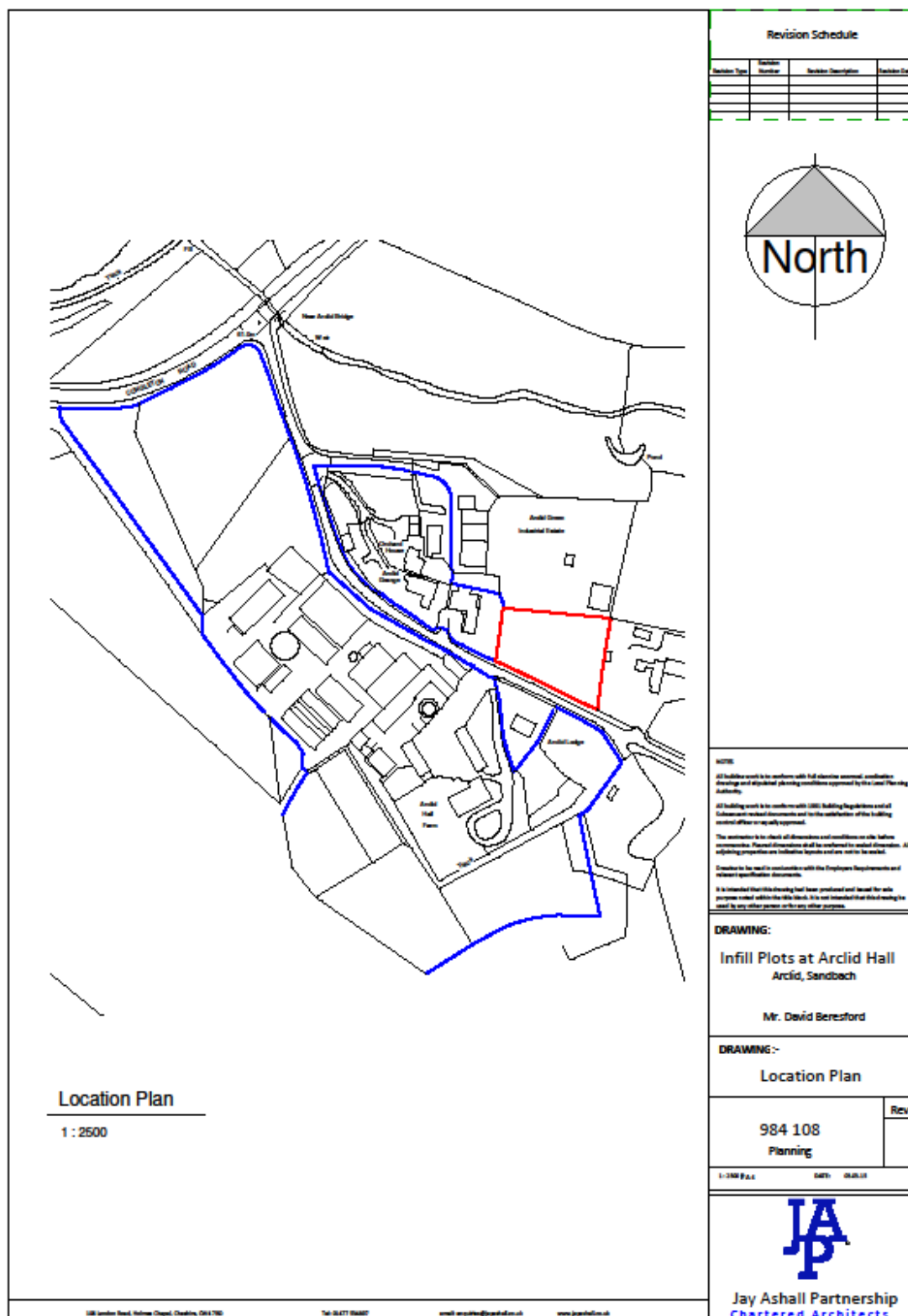
**APPROVE** subject to the following conditions

- 1. Time**
- 2. Plans**
- 3. Prior submission of material details**
- 4. Retention of boundary treatment**
- 5. Contaminated land – Phase 1**
- 6. Obscure glazing**
- 7. Nesting birds**

**Informatives:**

1. NPPF
2. Contaminated land
3. Hours of construction

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning Manager (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.



This page is intentionally left blank



Application No: 14/5029C  
Location: 2, MOUNT PLEASANT ROAD, SCHOLAR GREEN, ST7 3LQ  
Proposal: Detached 2 bed dwelling  
Applicant: Neil Hamand  
Expiry Date: 22-Dec-2014

**SUMMARY**

It is considered that the proposed development would have a detrimental impact upon the visual amenities of the area and compromise highway safety and therefore refusal of this application would have been recommended. The proposal clearly does not comply with the Local Plan Policies and the NPPF.

**Recommendation**

**Minded to refuse for reasons of visual amenity and highway safety**

**REASON FOR REFERRAL**

This application is subject to a call-in request from the former local ward member Cllr Barratt for the following reasons:

*This is a corner plot whereby previous permission has been given for the demolition of two old bungalows and five residential properties built in there place. This extra house will lead to a gross overcrowding of the site. Its position on the site will have it being overbearing on its neighbouring house Meadowside. It will stand almost 2 metres higher than its neighbouring houses. Along with six houses there will be at least 9 cars to be accommodated on this site as a whole plot stands on a 90 degree bend in the road. I was not against the original planning but this extra one will lead to the site being overcrowded and overbearing.*

**DETAILS OF PROPOSAL**

This application proposes to build a detached house with two bedrooms. The application is subject to an appeal against non determination.

**SITE DESCRIPTION**

The site is located in the Bank infill boundary which is washed over with Green Belt.

**RELEVANT HISTORY**

12/3848C – Erection of 5 new build dwellings – Approved with conditions – 12/12/13

## **POLICIES**

### **National Planning Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

50. Wide choice of quality homes

56-68 requiring good design

### **Local Plan Policy**

The Development Plan for this area is the Congleton Borough Local Plan First Review 2005.

The relevant saved policies are:-

GR1 (New Development)

GR2 (Design)

GR6 (Amenity and Health

GR9 (Parking and Access)

PS6 (Settlements in the Open Countryside and the Green Belt)

### **Emerging Local Plan Policy**

The following is considered a relevant material consideration as indication of the emerging strategy:-

SE 1 Design

PG3 Green Belt

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

## **CONSULTATIONS**

**Head of Strategic Infrastructure:** Object as the condition on the adjacent site has not been discharged.

**Environmental Protection:** No objection; subject to conditions to control hours of construction and informative in respect of contamination.

**VIEWS OF THE PARISH / TOWN COUNCIL-** Recommend refusal on the grounds of overdevelopment, garden grabbing and access

**REPRESENTATIONS** - Two letters of objection has been received on the basis of there is:-

Already 5 new houses being built on this site, and parking is already an issue.

On a bad bend with a T- Junction opposite plus an un-adopted road running behind the development and one directly across from where this new house is proposed.

Does not comply with the local planning framework. High density development in low density area. Does not comply with village design statement. Does not comply with SPD distances

Not in keeping with the character or proportions of the street and house.

*The full contents are available to view on the CEC website.*

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is located within the “inset in the green belt” as delineated by a infill boundary line of “The Bank” as defined by policy PS6. Limited development in accordance with policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with other policies in the plan such as GR1, GR2 and GR6.

The NPPF also requires that good design is a key part of sustainable development and is clear that

*“permission should be refused.....for development that fails to take the opportunity available for improving the character and quality of an area and the way it functions.”*

### **Environmental Role**

#### **Amenity**

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The development would meet all the required separation distances due to the orientation of the habitable room windows. Therefore the proposal is therefore considered to be acceptable in amenity terms.

#### **Design**

Policy GR1 requires that all development is of a high standard, to conserve or enhance the character of the surrounding area and not detract from its environmental quality. In addition Policy GR2 requires that proposals achieve a high level of design quality including the visual, physical and functional relationship of the proposal to neighbouring properties, the street scene and to the locality generally.

It is considered that the position of the proposed house would not be in keeping with the character and appearance of the locality. The design is shown in an alien position in front of

the building line. The design is therefore considered unacceptable and not in accordance with Policies GR1 and GR2 of the adopted local plan and SE 1 of the emerging Local Plan.

### **Access**

There are very specific concerns in relation to the generation of traffic from the proposal as the pre-commencement condition. Of 12/3848C - condition 9 states:-

*“The approved access shall not be brought into use until visibility splays have been provided at each side of the point of access in accordance with plans which have first been submitted to and approved in writing by the Local Planning Authority. The splays shall be kept clear of any object, vegetation or other obstruction of a height exceeding 1.0m above the level of the adjacent carriageway at all times and no planting will occur within the first 2m from the front boundary of the site.”*

This condition has NOT been discharged. Without this information it is not possible to ascertain whether the access for this new site would be detrimental to highway safety without impinging on neighbouring visibility. Therefore, the application is unacceptable due to the lack of information on access.

### **Planning Balance**

In the spirit of the NPPF, the applicants have been offered opportunities to submit revised and additional details or indeed withdraw the application to discharge or vary conditions on the adjacent site in order to overcome the outstanding issues. However, this has been declined and an appeal against non-determination has been lodged despite clear advice from officers on how resolve issues.

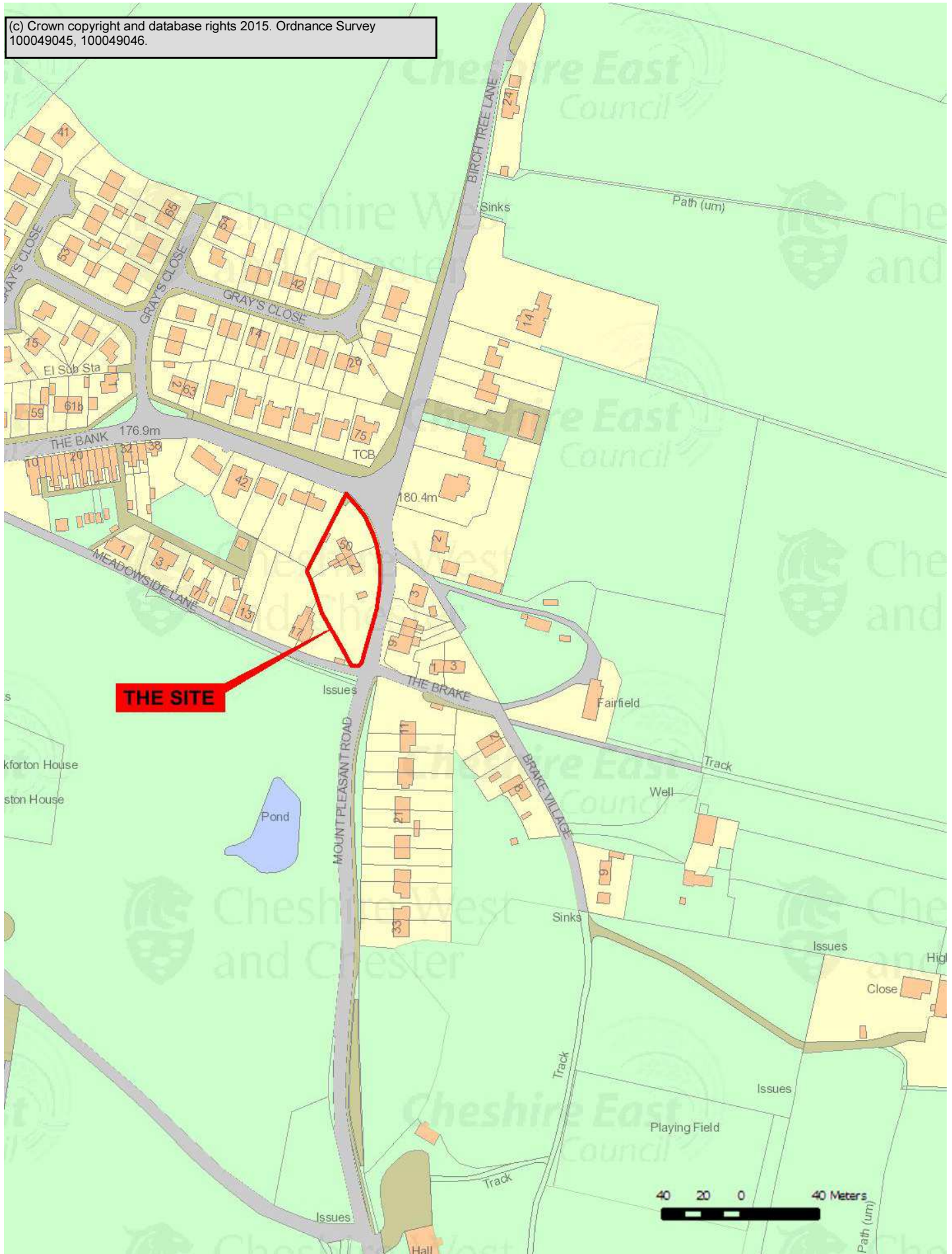
Therefore, it is considered that the proposed development would have a detrimental impact upon the visual amenities of the area and compromise highway safety and therefore refusal of this application would have been recommended. The proposal clearly does not comply with the Local Plan Policies and the NPPF.

### **RECOMMENDATION**

**Minded to refuse for the following reasons:-**

- 1. The proposed dwelling by reason of its siting and orientation would represent an alien feature within the street scene which would be detrimental to the character and appearance of the area. The development would be contrary to Policies PS6, H6, and GR2 of the Congleton Local Plan 2005 and guidance contained within the NPPF.**
- 2. The Local Planning Authority considers that insufficient information has been submitted in relation to traffic, parking and access. As such it is not possible to adequately assess the impact of the proposed development having regard to highway safety. In the absence of this information the development would be contrary to Policy GR9 of the Congleton Borough Local Plan (2005) and guidance contained within the NPPF.**

(c) Crown copyright and database rights 2015. Ordnance Survey 100049045, 100049046.



This page is intentionally left blank

## CHESHIRE EAST COUNCIL

**SOUTHERN PLANNING COMMITTEE REPORT**

---

**Date of meeting:** 8<sup>th</sup> July 2015

**Report of:** Philippa Radia – Senior Planning Officer

**Title:** Millpool Way/Newall Avenue, Sandbach (13/2186C).

---

**1.0 Purpose of Report**

- 1.1 To consider an alteration to the committee resolution for application 13/2186C. This has a resolution for approval subject to the completion of a Section 106 Agreement.
- 1.2 The report has been presented to Southern Planning Committee because the original application was considered by this committee at the meeting on 11<sup>th</sup> December 2013.

**2.0 Decision Required**

- 2.1 To agree the alteration to the committee resolution.
- 2.2 The principle of the development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to re-visit that issue. This item relates solely to the proposed amendment to the requirements of the legal agreement which should be via a Section 111 Agreement and not a Section 106 Agreement.

**3.0 Background**

- 3.1 The application site relates to a 1.2 hectare parcel of land located within the Settlement Zone Line of Sandbach as defined in the adopted local plan. The majority of the site was formerly in use as a football pitch with the former Council depot in the south east corner.

**4.0 Proposed Development**

- 4.1 Application 13/2186N seeks planning permission for a residential development of 39No. 2 and 2.5 storey, 1, 2 and 3 bedroom detached and news style properties and associated works.

## **5.0 Previous Resolution**

- 5.1 Members may recall that on 11<sup>th</sup> December 2013, the Southern Planning Committee resolved to grant planning permission for a residential development on the site.
- 5.2 The resolution to approve was subject to the completion of a Section 106 Agreement making provision for affordable housing, enhancement and maintenance of amenity greenspace and young persons provision, primary and secondary education and improvements to the Flat Lane link to the town centre and a number of conditions as follows:

*RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the completion of a Section 106 Agreement securing the affordable housing (30% provision of which is 65% rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00 for education and £10,000.00 for improvements to the Flat Lane link to the town centre.*

- 1. Commencement*
  - 2. Plans*
  - 3. Submission of landscaping scheme*
  - 4. Implementation of landscaping scheme*
  - 5. Submission of a construction management plan to include hours of construction and piling*
  - 6. Submission of a Phase II Contaminated Land Assessment*
  - 7. Submission of details of external materials*
  - 8. Development in accordance with the Flood Risk Assessment*
  - 9. Details of foul water drainage*
  - 10. No development during the breeding bird season*
  - 11. Incorporation of features to accommodate breeding birds and roosting bats*
  - 12. Submission of details of existing and proposed levels.*
- 5.2 As the application site includes land which is still owned by the Council, it becomes a legal impossibility for the Council to enter into a Section 106 Agreement with itself as landowner and Local Planning Authority. Therefore the Section 111 route is the most appropriate mechanism.

## **6.0 Officer Comment**

- 6.1 The Section 111 route envisages the completion of a Section 111 Agreement with a draft Section 106 attached. Once permission is issued and the sale is completed, then the Section 106 will be completed.
- 6.2 The same Heads of Terms will be secured, just via an appropriate mechanism given that the Council has ownership of the site.



## **7.0 Conclusion**

- 7.1 On the basis of the above, the Committee resolution should be amended.

## **8.0 Recommendation**

- 8.1 The Southern Planning Committee resolve to alter the Committee resolution as follows:

*RESOLVED – That for the reasons set out in the report, the application be APPROVED subject to the satisfactory completion of a Section 111 Agreement with a draft Section 106 Agreement attached to secure affordable housing (30% provision of which is 65% rented and 35% is intermediate tenure), a commuted sum of £49,028.00 for enhancement and maintenance of amenity greenspace and children and young persons provision, £157,637.00 for education and £10,000.00 for improvements to the Flat Lane link to the town centre.*

- 1. Commencement*
- 2. Plans*
- 3. Submission of landscaping scheme*
- 4. Implementation of landscaping scheme*
- 5. Submission of a construction management plan to include hours of construction and piling*
- 6. Submission of a Phase II Contaminated Land Assessment*
- 7. Submission of details of external materials*
- 8. Development in accordance with the Flood Risk Assessment*
- 9. Details of foul water drainage*
- 10. No development during the breeding bird season*
- 11. Incorporation of features to accommodate breeding birds and roosting bats*
- 12. Submission of details of existing and proposed levels.*

## **9.0 Financial Implications**

- 9.1 There are financial implications.

## **10.0 Legal Implications**

- 10.1 The Borough Solicitor has been consulted on the proposals and raised no objections.

## **11. Risk Assessment**

There are no risks associated with this decision.

## **12.0 Reasons for Recommendation**

- 12.1 For the purposes of negotiating and completing a S111/S106 Agreement for application 13/2186C and to issue the planning permission.

***For further information:***

*Portfolio Holder:* Councillor Ainsley Arnold  
*Officer:* Philippa Radia – Senior Planning Officer  
*Tel No:* 01270 686757  
*Email:* [philippa.radia@cheshireeast.gov.uk](mailto:philippa.radia@cheshireeast.gov.uk)

***Background Documents:***

*Application:* 13/2186C

**Cheshire East Council****Southern Planning Committee****Date of meeting: 8th July 2015****Report of Chris Hudson, Principal Forestry and Arboricultural Officer,  
Environmental Planning****Cheshire East Borough Council (Goostrey – Land to the north of Main Road)  
Tree Preservation Order 2015****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 9<sup>th</sup> March 2015 on agricultural land designated as open countryside to the east of residential properties on Swanwick Close and Sandy Lane and to the north of properties on Main Road and Sheer Brook to the west; to consider the objections and representation made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

**SUMMARY RECOMMENDATION**

The Head of Planning (Regeneration) recommends that the Southern Area Planning Committee confirms the Tree Preservation Order on land north of Main Road, Goostrey

**WARD AFFECTED**

Dane Valley

**FINANCIAL IMPLICATIONS**

None

**LEGAL IMPLICATIONS**

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling of trees and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the Authority.

## **RISK MANAGEMENT**

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

## **CIRCUMSTANCES**

On 28<sup>th</sup> November 2014 the Council received an outline application (14/5579C) for residential development comprising of up to 119 dwellings (including a minimum of 30% affordable housing) on land to the north of Main Road, Goostrey. The planning application was supported by an Arboricultural report which identifies the condition and quality of 44 individual trees, 10 tree groups and 3 hedgerows within the application site; the main species being listed as Oak, Crack Willow and Hawthorn.

A formal request was received on 15<sup>th</sup> January 2015 from a resident of Swanwick Close applying for a TPO to be raised to protect trees within the site.

The site comprises of agricultural land, in three fields bounded by existing hedgerows and individual and groups of trees. Mature trees line the Shear Brook boundary to the east and south east and to the north west. An existing TPO made in 1975 protects trees to the rear of several properties in Swanwick Close and to the east along Sheer Brook. The new Order will ensure the continuation of tree protection along the Swanwick Close boundary, in addition to other trees which are prominent on the skyline, visible from a Public Right of Way (Goostrey F12), a permissive path to the north east and which contribute to the landscape setting of Swanwick Hall, a Grade II Listed Building.

The planning application shows the proposed internal access road will require the loss of three protected Oak trees within an established field boundary (G2 of the TPO) to the south west of the site. The removal of an early mature Field Maple and mature Hawthorn will also be necessary to achieve the proposed access off Main Road.

Three linear groups of Oak located on the south west and eastern field boundaries of the site, together with two individual mature Oak trees have been identified for protection. The trees are visually prominent within the immediate area and wider landscape, both from the public and permissive footpaths and as filtered view and glimpses from Sandy Lane and Main Road.

An amenity evaluation of all the trees on the site was carried out in accordance with Government guidance. The assessment confirmed that the trees contributed to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 9<sup>th</sup> March 2015.

## **CONSULTATIONS**

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owners/occupiers of the land and their Agents on 9<sup>th</sup> March 2015. Copies of the Order were also sent to any adjoining landowners who are immediately affected by the Order, Goostrey Parish Council and Ward Members for Dane Valley.

## **OBJECTIONS/REPRESENTATIONS**

The Council has received two objections to the Tree Preservation Order from FPCR who are Agents acting for Gladman Developments Limited and Louise Wild of Courtlands, Sandy Lane, Goostrey.

Gladman Developments Limited objections are:-

- Although not given as a specific reason, it is considered that the making of this TPO is inappropriate as the trees subject to the Order are not considered as being under threat from the proposed development at the present time and the majority are shown to be retained by the scheme if granted planning permission. The layout clearly shows that the more significant trees are to be retained and incorporated into the proposals.
- Some of the trees are not clearly visible to the wider public. Many of the trees of the Order have limited wider public benefit as their positions within the site are only viewed by a limited number of local residents. An independent TEMPO evaluation has been undertaken to demonstrate these findings.

The objector has further stated that they wish to inform the Council that the development proposals seek to retain the majority of tree cover on the site and that the majority of trees are not under threat from removal. Two trees at the entrance to the site have been accepted by the Council for removal and that three individual Oaks within G2 of the Order will be lost for the main access road. Gladman Homes have no jurisdiction over Trees T1 and G1 which are located within private gardens and the design of the proposed development allows for adequate separation from these trees that would avoid any pressure for pruning or removal.

Retained trees within groups G2 and G3 contain both B (Moderate) and C (Low) Category trees. The design of the development allows for adequate separation from development to safeguard the trees from any pressure to prune or remove.

The objectors TEMPO evaluation (Tree Evaluation Method for Tree Preservation Orders) has assessed that trees T1 and Group G1 are suitable for protection by a TPO and that trees T2, G2 and G3 do not merit a TPO under the evaluation.

Ms Wild's objections are:-

- The Oak tree in my garden and I have no intention of destroying the tree.
- The tree is in dire need of maintenance work.
- There is no threat due to the proposed development as it is on my land.

Ms Wild requested a copy of the Officers Report promoting the service of the Order

## **APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS**

### Objection by FPCR on behalf of Gladman Developments Limited

A formal written response was sent to the objector on 1st May 2015. With regard to the first objection, it is evident that the threat to trees is evident from the removal of three Oak trees within group G2 to accommodate the internal access. The risk or threat to trees need not be imminent and where there are development proposals there is a specific duty on planning authorities under Section 197 of the Town and Country Planning Act to make Tree Preservation Orders.

The current application is for outline with all matters reserved save for access therefore whilst some trees may not be currently at risk from the indicative proposals this can be subject to change and amendment at reserved matters stage.

The trees are located in an area designated as open countryside and the site is located adjacent to Goostrey footpath 12 from which the trees are clearly visible. A permissive footpath to the south east which is subject to an application for a permanent redirection of the Public Right of Way enables enhanced views of the protected trees in addition to filtered views and glimpses from Sandy Lane and Main Road.

The Councils Arboricultural Officer considers that the TEMPO assessments have failed to provide sufficient arboricultural information to justify the calculation downgrading certain trees for inclusion within the TPO. The assessment includes scores which have been crossed out and provides no detailed justification for some of the scores calculated for certain specific definitions. The evaluation has also failed to take into account the realistic potential for future visibility of trees with change in land use and their overall condition which has resulted in their value being downgraded.

Objection by Ms Wild

A formal written response was sent to Ms Wild on 23rd April 2015. Whilst the Oak tree is located outside the application site, the tree forms part of a continuation of a linear group of trees and an existing Tree Preservation Order the rear of Swanwick Close. It is recognised that the objector has no intention of destroying the tree, however parts of the tree overhang the site and therefore the Order enables the Council to ensure that the proposed development and any possible changes to it will ensure the tree will not be harmed and its retention secured in the longer term for the benefit of the amenity of the area.

An inspection of the tree confirms some deadwood within the trees' crown and the objector has been advised that this can be removed without consent.

A copy of the statement promoting the Order has been sent to Ms Wild as requested.

**CONCLUSION**

In the context of this development proposal, the Order identifies which trees the authority considers to be important in terms of their contribution to the amenity of the area. The risk of such development pressures has been recognised in Government advice as an appropriate test of expediency for raising a TPO.

The Council has demonstrated that the trees contribute significantly to the visual amenity of the area and the Order allows for retained trees to be protected and ensures that full consideration is given to the retention of trees in any future development of the site and to give weight to such conditions or otherwise as part of any development proposals.

In the light of the submitted planning application indicating the change of use of land and the impact on trees which contribute significantly to the visual amenity of the area, was deemed expedient in the interests of amenity to make the TPO.

**RECOMMENDATION**

That the Cheshire East Borough Council (Goostrey – Land to the north of Main Road) Tree Preservation Order 2015 be confirmed without modification

This page is intentionally left blank



**Cheshire East Council****Southern Planning Committee****Date of meeting: 8<sup>th</sup> July 2015****Report of: Chris Hudson, Principal Forestry and Arboricultural Officer,  
Environmental Planning****Title: Cheshire East Borough Council (Sandbach - Manor Rd No.3) Tree  
Preservation Order 2015****PURPOSE OF THE REPORT**

To inform the committee about the background and issues surrounding the making of a Tree Preservation Order (TPO) on 24<sup>th</sup> February 2015 on agricultural land between The Hill (A533) and Manor Road ; to consider the objections and representation made to the TPO and to determine whether to confirm or not to confirm the Order or to confirm the Order subject to modification.

**SUMMARY RECOMMENDATION**

The Head of Planning (Regeneration) recommends that the Southern Area Planning Committee confirms the Tree Preservation Order on land between The Hill and Manor Road, Sandbach.

**WARD AFFECTED**

Sandbach Heath and East

**FINANCIAL IMPLICATIONS**

None

**LEGAL IMPLICATIONS**

The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling of trees and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy any tree to which the Order relates except with the written consent of the Authority.

## **RISK MANAGEMENT**

The loss of trees could have a significant impact upon the amenity and landscape character of the area. The confirmation of the Tree Preservation Order will ensure that the Council maintains adequate control over trees of amenity value in its administrative area.

## **CIRCUMSTANCES**

On 11<sup>th</sup> April 2014 the Council received an outline planning application for up to 75 residential dwellings off Manor Road, Sandbach with all matters reserved except for access (App 14/1946C). The application was subsequently refused by Strategic Planning Board on 25<sup>th</sup> June 2014. The application is currently under appeal. A second outline application was received on 8<sup>th</sup> December 2014 (App 14/5586C) also for 75 dwellings which was subsequently refused on 23<sup>rd</sup> June 2015.

The planning application was supported by an Arboricultural Report which identified the condition and quality of trees within the site.

The site is an agricultural field approximately 3 hectares in size, relatively flat with hedgerows and trees located within open countryside to the east of Sandbach Heath residential area.

The Leonard Cheshire Care Home including 'The Hill', which is a Grade II Listed Building abuts the site on part of its south-eastern boundary. There are residential properties to the west and the north and open countryside to the east of the site

Five mature Oak trees located within the central and northern sections of the site and two groups of Sycamore adjacent to the boundary of Hill House have been identified for inclusion within the Order which are visually prominent within the immediate area and wider landscape and complement the sylvan character of the area.

An amenity evaluation of all the trees on the site was carried out in accordance with Government guidance. The assessment confirmed that the trees contribute to the visual amenity and landscape character of the area and in the light of this assessment it was considered expedient to make an Order to protect the trees.

Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 24<sup>th</sup> February 2015.

## **CONSULTATIONS**

On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied

that it is expedient in the interests of amenity to do so. Where objections or representations have been made, then the planning authority must take them into consideration before deciding whether to confirm the Order.

The Order was served on the owners/occupiers of the land and their Agents on 24<sup>th</sup> February 2015. Copies of the Order were also sent to any adjoining landowners who are immediately affected by the Order, Sandbach Town Council and Ward Members for Sandbach Heath and East.

## **OBJECTIONS/REPRESENTATIONS**

The Council has received one objection to the Tree Preservation Order from Strutt and Parker LLP who are Agents acting for Betley Court Estate. The objector objects to the Order and its implementation for the following reasons:

- An Arboricultural Report was submitted as part of the planning application which states that Oak (T1) has less than 10 years remaining contribution with an 'extensive cavity beneath the main trunk, large pieces of deadwood, stem injury with cavity on southern stem and extensive animal burrowing. Other trees in the centre of the site Oaks (T2 and T3) have 'deadwood, storm damage and cattle trampling'. The majority of other proposed TPO trees are of moderate quality and value in the landscape' (T2, T2 and G1 Group). The Sycamore in group G2 is noted as a 'tree of low quality and value in the landscape'.
- During the applications consultation period no response was registered from the Authority's Tree and Landscape Officers and the Officers Report did not raise any concern with regard to the removal of the two trees within the centre of the site. Loss of trees was not a recommended reason for refusing the planning application
- A resubmitted planning application which again proposed the removal of trees was resubmitted in December 2014 and no formal responses were registered from the Tree or Landscape Officer.
- Planning Practice Guidance states that justification for a proposed Tree Preservation Order should be based on the importance of tree referring to size and form, future potential as an amenity, rarity, arboricultural or historical value or contribution or relationship to the landscape.
- As the Arboricultural Survey was undertaken in December 2013, it is deemed unlikely that the quality of trees has improved. In comparison the Authority has not provided any justification for the TPO designations.

## **APPRAISAL AND CONSIDERATION OF OBJECTIONS AND REPRESENTATIONS**

### Objection by Strutt and Parker on behalf of Betley Court Estate

The objector was advised that an Amenity Evaluation Assessment of the trees was carried out by the Council prior to serving the Order in January 2015 in order to determine their condition and contribution to the amenity and local landscape setting. The Council's assessment fully accords with the requirement of Government advice contained in paragraph 008 of Planning Practice Guidance *Tree Preservation Orders and trees in Conservation areas* which states that Council's should assess the amenity value of trees in a structured and consistent way taking into account visibility, individual, collective and wider impact and other factors

The Council's assessment disagrees with the content and advice contained in the submitted Arboricultural Survey in respect of the condition of Oaks T1, T2 and T3. With regard to Oak T1, the survey identifies the tree as an A3 category tree and as a U category tree. The British Standard classification (BS5837:2012) does not allow trees to be categorised within more than one category as each category clearly defines their life expectancy, arboricultural, landscape and cultural qualities. As an A3 category tree has a life expectancy of at least 40 years and a U category tree no longer than 10 years; the tree cannot both have a life expectancy of more than 40 or less than 10 years. A 'U' category tree is based on three bullet points in the British Standard; irremediable structural defects, dead trees and trees infected with significant pathogens or low quality suppressed trees. The Council's assessment of the tree has not found any evidence to suggest that the tree meets this particular criteria.

Oaks T2 and T3 have been categorised a Low (C) category and Moderate (B) category trees. The Council's assessment considers that both these trees should be High Quality (Category A) trees as their suggested condition and landscape contribution does not qualify them to be in the low category

Both the Council's Arboricultural and Landscape Officers provided a formal consultation response to both planning applications which have been included in the Planning Officers reports. Reference was made to the service of the Tree Preservation Order in the second application (App 14/5586C) which stated that should the Order be confirmed, the indicative layout would have to be amended, which may result in a reduction in the number of proposed dwellings, but would not preclude residential development on the site.

The Council's Arboricultural Officer has identified that the trees are visible from a number of public vantage points along The Hill and Manor Road and contribute to the setting of a Grade II Listed Building.

The Council's Arboricultural Officer does not agree with the tree quality assessment submitted by the applicant's arboriculturist and considers the

report unnecessarily downgrades the quality of some trees. The report has also incorrectly identified one tree, an Oak as an Elm (Tree Ref 4702)

## **CONCLUSION**

In the context of this development proposal, the Order identifies which trees the authority considers to be important in terms of their contribution to the amenity of the area. The risk of such development pressures has been recognised in Government advice as an appropriate test of expediency for raising a TPO.

The Council has demonstrated that the trees contribute significantly to the visual amenity of the area and the Order allows for retained trees to be protected and ensures that full consideration is given to the retention of trees in any future development of the site and to give weight to such conditions or otherwise as part of any development proposals.

In the light of the submitted planning application indicating the change of use of land and the impact on trees which trees contribute significantly to the visual amenity of the area, was deemed expedient in the interests of amenity to make a TPO

## **RECOMMENDATION**

That the Cheshire East Borough Council (Sandbach – Manor Road No.3) Tree Preservation Order 2015 be confirmed without modification

This page is intentionally left blank